

Sexual Exploitation and Abuse

Investigations Workshop



SEA Sub-Working Group

June 2012

Contents

Foreword.....	Error! Bookmark not defined.
Workshop overview.....	4
Purpose	4
Objectives	4
Participants	4
Agenda	Error! Bookmark not defined.
Planning a workshop.....	5
Pre-workshop activities for participants	5
Pre- and post-testing: Knowledge Check	5
Venue, materials and supplies	5
Energizers and other exercises	6
Detailed facilitation guide	8
Session 1. Workshop opening	8
Handout: Pre- and post-workshop Knowledge Check	15
Session 2. Codes of conduct and the six core principles	18
Handout: Secretary-General's Bulletin	Error! Bookmark not defined.
Session 3. Overview of investigations.....	20
Handout: KIDAID Principles Case Study	29
Session 4. Gathering information.....	30
Handout for Person A (Delilah)	50
Handout for Person B (Ms. Presley).....	Error! Bookmark not defined.
Handout: Interviewing	52
Handout: Investigation Planning Tool.....	57
Session 5. Investigation case study.....	61
KIDAID case study	64
Instructions for KIDAID case study and interviews	77
Actors' notes – KIDAID case study.....	80
Session 6. Closing the investigation, findings and report writing	89
Handout: Investigation report outline.....	98
Session 7. Review, implementation, and workshop closing	100
Handout: Action Planning Worksheet.....	Error! Bookmark not defined.
Annex 1. Abbreviations	106
Annex 2. Knowledge Check with answers	Error! Bookmark not defined.
Annex 3. Pre-workshop letter to participants	107

Annex 4. Resources for energizers and exercises	108
Annex 5. Workshop evaluation form	Error! Bookmark not defined.

Workshop Overview

This three-day workshop is a hands-on, highly interactive capacity-building opportunity to develop skills in responding to and investigating allegations of SEA within their own organizations. The workshop incorporates roleplay and case studies to illustrate the principles and methods for investigating SEA allegations.

Purpose

The Investigations Workshop will equip participants with the necessary knowledge and skills to perform internal investigations in response to SEA allegations against NGO staff.

Objectives

Participants will learn how to:

1. Write an investigation plan that adheres to a set of core principles and includes both accountability and responsibilities for carrying out the investigation and follow up plan.
2. Ensure that investigations are conducted according to previously agreed protocols and procedures and are in line with global good practices.
3. Assess, review, and advise on matters pertaining to the needs of the victims, witnesses, and subjects of investigations.
4. Write a comprehensive investigation report.

Participants

The participants at this workshop should be staff of member organizations whose job duties include being key actors in their organizations' internal investigative procedures to respond to reports of SEA.

Planning a Workshop

Pre-Workshop Activities for Participants

In advance of the workshop, participants should prepare for their active engagement in discussions. It is advisable that participants read and become familiar with the following two documents:

- *Building Safer Organizations Guidelines: Receiving and investigating allegations of abuse and exploitation by humanitarian workers* (ICVA)
<http://www.icva.ch/doc00002028.pdf>
- *Model Complaints and Investigation Procedures and Guidance Related to Sexual Abuse and Sexual Exploitation* (IASC, March 2004 marked as draft) [also known as the “IASC Protocol”]
http://www.un.org/en/pseataaskforce/docs/sea_model_complaints_and_investigation_procedures_and_guidan.pdf

Some of the workshop sessions include participants reviewing their own organizations’ policies, procedures, and/or protocols related to sexual abuse and exploitation. Participants should bring to the workshop one copy of:

- Code of conduct related to sexual exploitation and abuse
- Complaints procedures for allegations of sexual exploitation and abuse
- Investigation policies/procedures/protocols for investigating allegations of sexual exploitation and abuse
- Any relevant human resource policies or procedures (if there are additional ones)

See Annex 3 for a sample letter to be sent to participants at least one week in advance of the workshop.

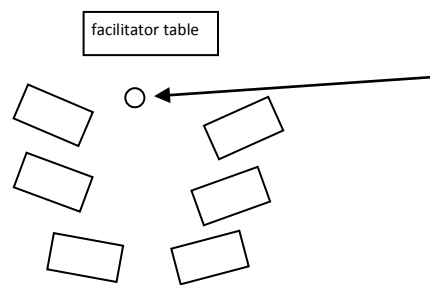
Pre- and Post-Testing: Knowledge Check

Participants take a pre-test “Knowledge Check” during Session 1 (workshop opening) to determine pre-workshop levels of knowledge. Participants repeat the Knowledge Check during the final session at the end of the workshop. Results should be compiled and compared between the pre- and post-workshop checks to determine any changes in knowledge that took place.

Venue, Materials, and Supplies

Venue

Meeting room with sufficient space for approximately 20 people to work comfortably, with space in front for computer/LCD projector, flipcharts and a table for facilitators. Ideally, the seating for participants will be configured in a semi-U-shape, with separate tables allowing 4-5 participants to sit at each table. There should be space in the middle or at the back of the room for participants to gather for energizers or other activities. A resource and registration table at the back of the room will be useful.



Facilitator stands and moves about here, in the center of the participant seating area, with flip charts in front of the facilitator's table (facilitator's table is against the front wall)

For Day 2, breakout spaces for 2-3 small groups is required (there will be a total of 4-5 groups; 2 can meet in the meeting room).

Participant Materials

- Notebook, folder, book bag, or other package to use as a packet to hold the workshop materials
- Pens
- Writing tablets for note taking
- Copies of Participant Manual
Note – the Participant Manual, along with the documents listed below, can be bound together in a notebook or other binder so that participants can keep all of their materials together.
- Copies for each participant of the following booklets/documents:
 - *Building Safer Organizations Guidelines: Receiving and investigating allegations of abuse and exploitation by humanitarian workers* (ICVA)
 - *Model Complaints and Investigation Procedures and Guidance Related to Sexual Abuse and Sexual Exploitation* (IASC, March 2004 marked as draft) [also known as the "IASC Protocol"]
 - *InterAction Step by Step Guide to Addressing Sexual Exploitation and Abuse* (2010)
- Copies of additional handouts, to be distributed by facilitator during the workshop (if hole punched, participants can easily insert them into the Participant Manual)

Equipment, Materials, and Supplies for Facilitator

- ▶ Laptop computer, LCD projector, screen
- ▶ 3 flipchart stands with 3 pads of paper for each (9 total flip chart paper pads)
- ▶ Colored markers, at least 4 markers in each color
- ▶ Tape (masking tape for posting flip chart papers on walls)
- ▶ Stapler, pens, paper clips, writing tablets and other office supplies
- ▶ Colored index cards (3x5 or 5x7)
- ▶ Candies, chocolates, small toys or other similar items to hand out as prizes, rewards, incentives, etc., throughout the workshop

Energizers and Other Exercises

Facilitators should be prepared with energizing activities and other short exercises to insert as needed throughout the workshop. Exercises should be culturally appropriate for the specific group of participants. Some sources for ideas and exercises are listed in Annex 4.

Detailed Facilitation Guide

Session 1. Workshop opening

Aims

1. To become acquainted with facilitators and participants
2. To understand the workshop objectives and agenda
3. To identify expectations for the workshop
4. To demonstrate existing knowledge through a written knowledge check.


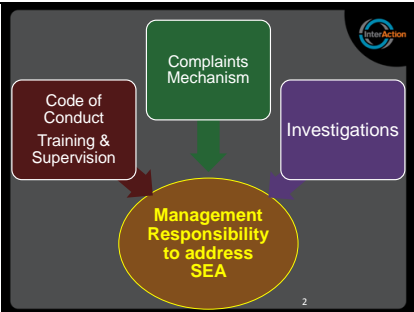
Time

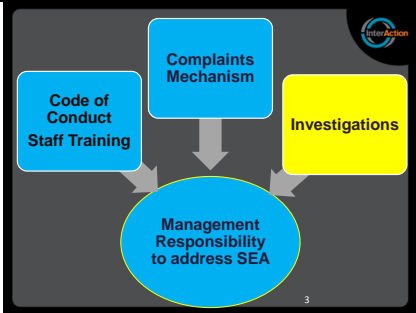
45 minutes

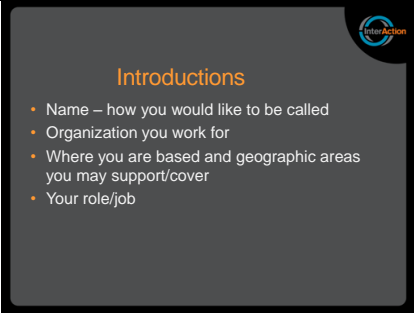
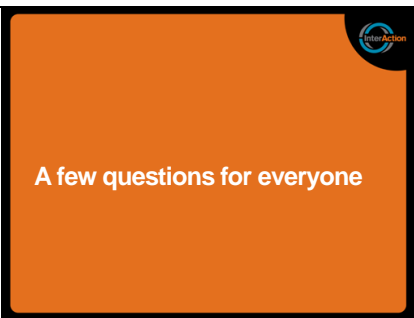
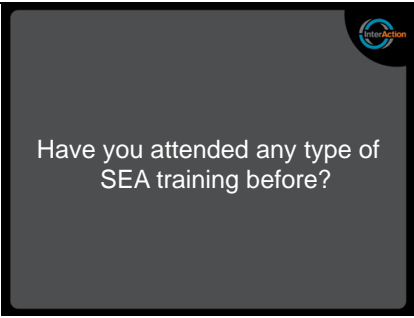
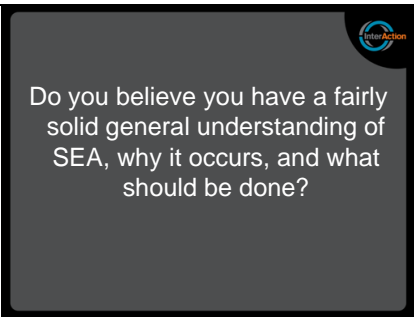
Materials and Preparation






- PowerPoint 1
- Prepare agenda handout; revise as needed
- Prepare copies of Knowledge Check







Detailed Facilitator's Notes

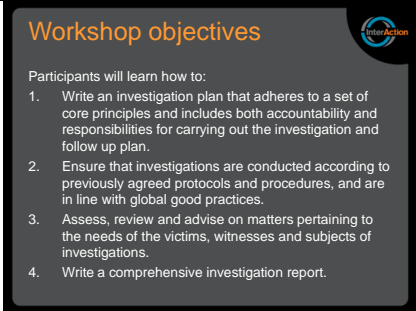
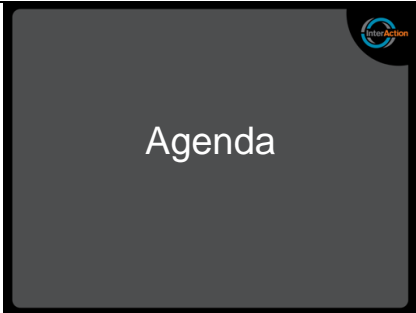

Slide 1		<p>Welcome.</p> <p>Acknowledge and thank participants for their interest in this workshop and commitment to addressing the challenging issue of sexual exploitation and abuse.</p>
Slide 2		<p>Preventing and responding to SEA means creating a culture of safety – among staff and with our beneficiaries.</p> <p>There are three general areas of responsibility for managers – and organizations – that will contribute to a culture of safety:</p> <ul style="list-style-type: none"> • Establish codes of conduct and ensure staff are adequately trained and understand the code • Establish community-based complaints mechanisms that are easily accessible to the community • Investigate allegations following established policies and protocols, using trained


		investigators.
Slide 3	 <p>The diagram illustrates a framework for addressing Sexual Exploitation and Abuse (SEA). It features four main components: 'Code of Conduct Staff Training' (blue box), 'Complaints Mechanism' (blue box), 'Investigations' (yellow box), and 'Management Responsibility to address SEA' (blue oval). Arrows point from the three boxes to the central oval, indicating that all three components contribute to the management responsibility. The InterAction logo is visible in the top right corner of the diagram.</p>	<p>This workshop is one of three workshops developed by InterAction to support your efforts to establish a culture of safety in your organization and for your beneficiaries. The three workshops are:</p> <ul style="list-style-type: none"> • Community-Based Complaints Mechanisms • SEA Investigations • Management of Investigations
	<p>The workshops were developed under a project entitled <i>InterAction Framework for Strengthening NGO Capacity to Address Sexual Exploitation and Abuse</i>. This is a project of the SEA Sub-Working Group (SWG) funded by the U.S. Department of State Bureau for Population, Refugees, and Migration.</p> <p><u>The goal of this project is to provide InterAction members with the necessary tools and resources to establish a sustainable capacity to prevent and respond to SEA at all levels of staff and to further coordinate the InterAction membership's response to gender-based violence.</u></p> <p>The SWG is dedicated to addressing the issue of SEA of beneficiary populations by humanitarian and development assistance staff. The SWG is the advisory body to strengthen InterAction members' capacity to respond to and prevent SEA, to advocate for awareness of SEA, and to influence prevention and response capacities on the global level.</p> <p>KEY POINT: While NGOs understand the necessity of protecting their beneficiaries from SEA, it is often challenging to develop the materials and procedures necessary to address this issue with limited technical expertise. This project offers InterAction members an opportunity to work together to build capacity to address SEA as individual organizations and as an NGO community.</p>	

Slide 4	 <p>Introductions</p> <ul style="list-style-type: none"> • Name – how you would like to be called • Organization you work for • Where you are based and geographic areas you may support/cover • Your role/job 	<p>(15 min)</p> <p>Facilitators introduce themselves first using the same format as the participants.</p> <p>Ask participants to introduce themselves by answering the questions.</p>
Slide 5	 <p>A few questions for everyone</p>	<p>(5 min)</p> <p>Explain that for each of the following slides, participants should raise hands (or stomp feet, or stand up, or clap hands) if the question or statement is true for them.</p> <p>This is a quick way to become better acquainted with each other and to learn something about the level of experience of people in the room.</p>
Slide 6	 <p>Have you attended any type of SEA training before?</p>	
Slide 7	 <p>Do you believe you have a fairly solid general understanding of SEA, why it occurs, and what should be done?</p>	

Slide 8	 <p>Are there clear policies, procedures and/or protocols in your organization for SEA standards, complaints and investigations?</p>	
Slide 9	 <p>Were you involved in developing your organization's SEA policies and procedures?</p>	
Slide 10	 <p>Have you witnessed behavior in the field that looked to you like possible SEA?</p>	
Slide 11	 <p>If you have concerns or suspicions about SEA occurring in your organization, do you know what to do?</p>	
Slide 12	 <p>Do you think field staff at all levels in your organization understand SEA?</p>	

Slide 13	 <p>Do you think staff at all levels (field and HQ) know what to do if they suspect SEA?</p>	
Slide 14	 <p>Are you aware of any SEA complaints against a staff member – in your organization or in another organization?</p>	
Slide 15	 <p>Have you conducted or participated in an investigation of an SEA complaint?</p>	
Slide 16	 <p>Do you have experience interviewing individuals for the purpose of information gathering?</p>	
Slide 17	 <p>Expectations</p> 	<p>(15 min)</p> <p>Ask participants to think of two expectations they have for their experiences in this workshop.</p> <p>Go around the room and ask each participant to share them, not repeating what others have said. Write on a flipchart and post it in the room for reference at the end of Day 3.</p>

		(Be honest in responding to any expectations that are unlikely to be met during these three days.)
Slide 18	 <p>Workshop objectives</p> <p>Participants will learn how to:</p> <ol style="list-style-type: none"> 1. Write an investigation plan that adheres to a set of core principles and includes both accountability and responsibilities for carrying out the investigation and follow up plan. 2. Ensure that investigations are conducted according to previously agreed protocols and procedures, and are in line with global good practices. 3. Assess, review and advise on matters pertaining to the needs of the victims, witnesses and subjects of investigations. 4. Write a comprehensive investigation report. 	<p>(5 min)</p> <p>Ask participants to look at the Agenda/Objectives handout. Go through the expected outcomes/learning objectives.</p>
Slide 19	 <p>Agenda</p>	<p>(5 min)</p> <p>Briefly go through the agenda to identify the learning pathway from Day 1 through Day 3.</p> <p>Highlight morning and afternoon breaks and lunch.</p> <p>Ask participants to volunteer to lead energizers (one for each day of the workshop).</p>
Slide 20	 <p>Housekeeping</p> <p>Groundrules</p> <p>Announcements</p>	<p>(5 min)</p> <p>Give information, discuss as needed:</p> <ul style="list-style-type: none"> • Location of bathrooms • Fire exit • Ask that participants commit to arriving on time each morning • Facilitators should commit to starting and ending on time • Ask that cell phones be silent during the workshop; breaks and lunch can be used for calls

		<p>This is a good time for a short energizer or stretching activity. Participants have now been sitting for approximately 45 minutes.</p>
<p>Slide 21</p>		<p>Hand out the Pre-Workshop Knowledge Check.</p> <p>Explain that we would like to have a quick check of participants' current knowledge about the issues to be discussed during the workshop. Do not worry if you are unsure about some of your answers.</p>

Handout: Pre- and Post-Workshop Knowledge Check

See Annex 2 for Knowledge Check with Answers

For each multiple choice question, circle ALL of the correct answers (there may be more than one).

1. **A key provision of the SG's Bulletin is to "prevent, oppose and combat all exploitation of refugees and other persons of concern". A relationship can be defined or perceived as "exploitative" if it (select as appropriate):**
 - a. involves requesting personal favors or services from refugees
 - b. involves requesting services and favors in return for protection and assistance
 - c. is consensual
 - d. only when it is not consensual
 - e. involves hiring beneficiaries or other persons of concerns for private services, in accordance with local conditions of employment
2. **Strict confidentiality is required in relation to:**
 - a. the SOC not discussing the investigation with anyone
 - b. the investigator not divulging the name of the complainant
 - c. the investigator not discussing the case with anyone
 - d. all documentary evidence being kept under lock and key
 - e. non-staff witnesses being required to sign a confidentiality statement
 - f. interpreters being required to agree to a confidentiality arrangement such as signing of a confidentiality agreement
3. **The safety and welfare of people who may have been victims of sexual abuse or exploitation includes:**
 - a. physical safety
 - b. compensation
 - c. immediate health care, if necessary
 - d. counseling
 - e. mandatory reporting to the national police authorities
4. **The investigator has completed the investigation and must now draft an investigation report. Which of the following statement/s is/are correct?**
 - a. It is necessary to gather proof beyond reasonable doubt to conclude that misconduct has been established.
 - b. Investigation reports must be signed by their author(s).
 - c. Investigation reports should include a reference to all the regulations, rules and instructions, which may have been violated.
 - d. Investigation reports should contain recommendations on the appropriate disciplinary measure(s).
5. **The relevant standard of proof for the purpose of an internal investigation into allegations of misconduct against a SOC is:**
 - a. beyond reasonable doubt that misconduct has occurred
 - b. more probable than not that the misconduct has occurred
 - c. a reasonable inference from the facts that misconduct has occurred
 - d. a possibility that misconduct has occurred

6. A good investigator will:
 - a. develop a written investigation plan
 - b. assess and advise on the needs of the survivors/victims
 - c. advise on appropriate discipline of the SOC if allegations are substantiated
 - d. mediate between the SOC and the victim when appropriate to reach an acceptable conclusion
 - e. provide moral guidance to assist the SOC to avoid similar actions in the future
7. **A matter is referred for investigation. Select three steps that should be taken as a priority:**
 - a. Contact the complainant to obtain as many details as possible on the allegations, names of witnesses, etc.
 - b. Inform the SOC that allegations have been made against him/her and that an investigation will be conducted.
 - c. Interview the SOC to obtain his/her version of the facts.
 - d. Immediately request the suspension of the SOC.
 - e. Assess whether there is a risk of evidence being destroyed or tampered with.
 - f. Determine what rules may have been violated by the alleged conduct.
8. **List 6 of the key principles that apply to receiving complaints and conducting investigations**

9. **During the interview, a staff member has the right to have present: a witness of his/her choice**
 - a. an interpreter, if the staff member does not possess a good command of English, French, etc
 - b. legal counsel
 - c. another staff member of his/her choice
 - d. a witness (staff member or otherwise) not related to the investigation process
10. **A good interpreter will have which of the following qualities?**
 - a. a good moral framework
 - b. a recognized interpreter's qualification
 - c. be able to ensure confidentiality
 - d. be a close relative of the victim to give them confidence to speak up
 - e. be familiar with local slang and terminology
11. **What are the 4 phases of the interview?**

12. **At all stages of the investigation process, investigators must take appropriate measures to safeguard the evidence. Which of the following statements is/are correct?**
- a. Investigators may retain original documents and assets belonging to the office.
 - b. If a staff member claims that a document or item is private, rather than work-related, s/he has a right to refuse to provide it to the investigator.
 - c. Investigators are required to return original material collected as evidence within 30 days.
 - d. Investigators should be particularly careful in recording how and when a document or item was obtained.
 - e. Investigators may access a staff member's desktop computer, without informing him or her in advance.
13. **An investigation should take how long to complete?**
- a. 28 days
 - b. 15 days
 - c. 2 months
 - d. a reasonable period
14. **When interviewing children, which of the following considerations should always be adhered to?**
- a. A parent or legal guardian must be present.
 - b. The lead interviewer must always be of the same sex as the child.
 - c. Check that the child understands the concept of telling the truth.
 - d. Never interview a child more than once.
 - e. Give the child guarantees that all his/her concerns will be taken care of once s/he assists with the interview.
 - f. The interview should be an appropriate length to suit the child.

Session 2. Codes of conduct and the six core principles

Aims

1. To understand the history, importance, and continuing challenges on the issue of SEA
2. To self-evaluate codes of conduct in participants' organizations
3. To fully understand the 6 core principles in the SGB


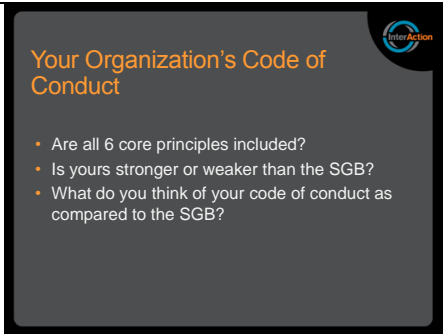
Time

45 min-1 hour

Materials and Preparation

- PowerPoint 2
- Prepare copies of SG Bulletin

Detailed Facilitator's Notes

Slide 1		
Slide 13		<p>If there is time, it is best to discuss these questions in small groups, as a way to break up the day and long plenary. If time is an issue, this can be a plenary discussion.</p> <p>Small group work. Allow approximately 15 minutes for discussion and sharing in small groups (4-5 people).</p> <p>Briefly discuss in plenary, drawing out answers to the questions from each group.</p> <p>Conclude by highlighting the need for good policies/codes of conduct that are well understood, as these will form the basis for receiving complaints and conducting investigations.</p>

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Notes and Key Messages

- ✦ This session should be highly participatory so that participants' knowledge can be shared and demonstrated.
- ✦ A heavy lecture-type presentation this early in the workshop should be avoided.

Session 3. Overview of investigations

Aims

1. To become familiar with the IASC Protocol, especially the key principles of investigations
2. To identify SEA risk and vulnerability, in particular as they relate to interviewing victims/witnesses
3. To understand and apply the key principles for investigations
4. To identify the stages of an interview

Time


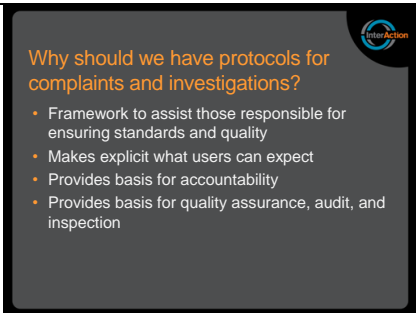
2+ hours

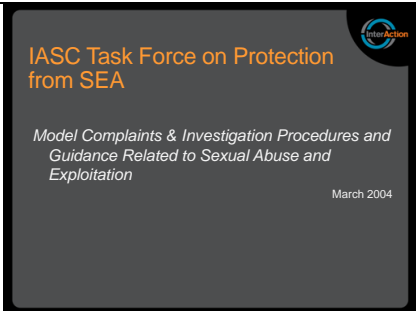
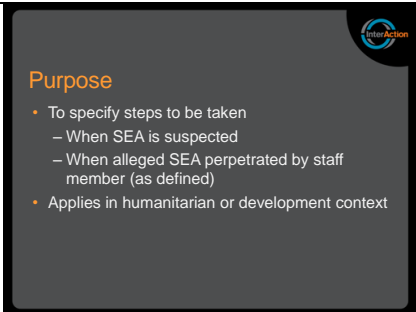

10 minutes	Overview of IASC Protocol (Model Complaints document)
15 min	Risk, Vulnerability, Barriers to Complaints and Investigations
60 min	Principles of Investigations (small group exercise)
30 min	Investigations (and intro to BSO Guide)

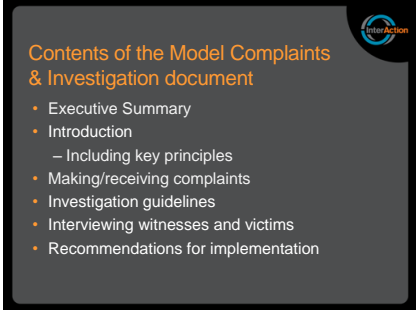
Materials and Preparation

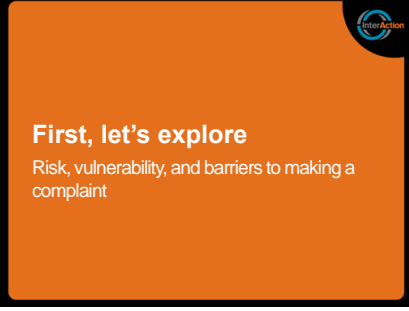
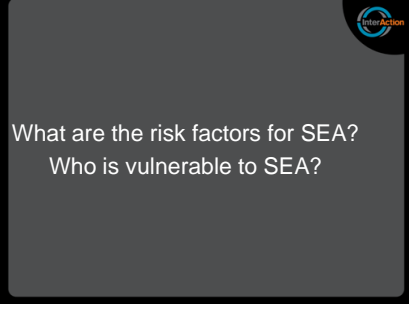
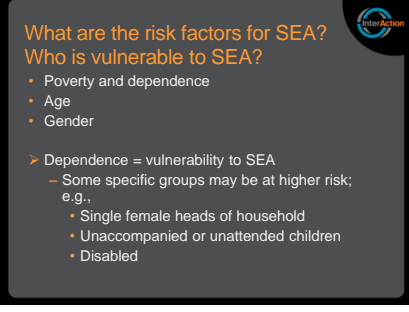

- PowerPoint 3
- Prepare groups/assignments of principles for the case study
- Prepare handouts of PowerPoint 3
- Copies for each participant:
 - IASC *Model Complaints and Investigation Procedures and Guidance Related to Sexual Abuse and Sexual Exploitation* (March 2004)
 - Building Safer Organizations/ICVA *Guidelines: Receiving and investigating allegations of abuse and exploitation by humanitarian workers* (ICVA)


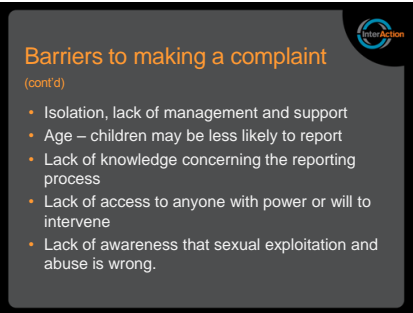
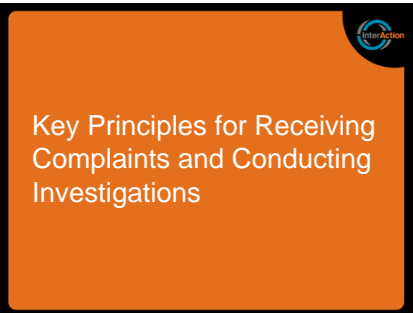

Detailed Facilitator's Notes

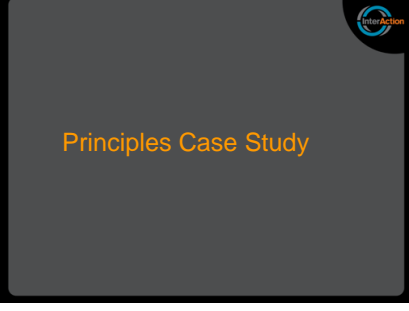
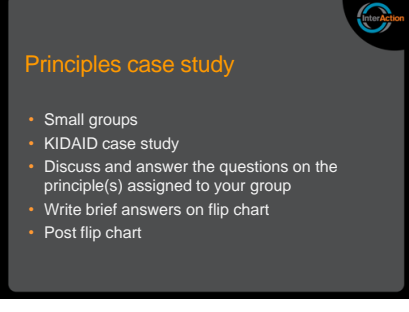
Slide 1		
Slide 2		<p>Key reasons for having protocols and procedures for complaints and investigations.</p> <p>Clear protocols and procedures that are well understood and adhered to:</p> <ul style="list-style-type: none">• Provide a framework to assist managers and others who are responsible for ensuring standards and quality.

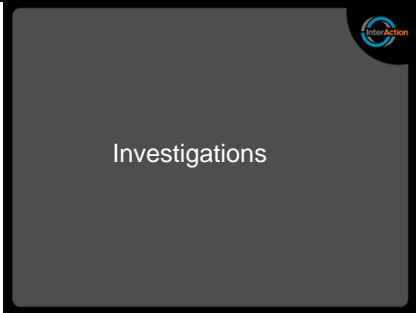
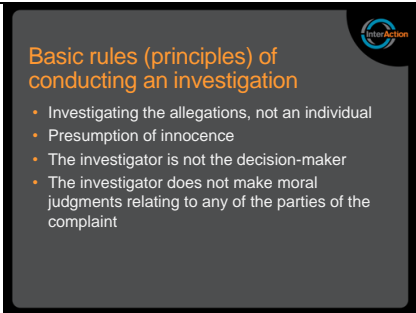


		<ul style="list-style-type: none"> • Make it clear what users can expect – users might be staff, might be beneficiaries, might be community members or staff from other organizations (anyone who can access the complaints mechanisms and anyone who is involved in any way in investigations). • Provide the basis for accountability, for all of us. • Provide the basis for quality assurance, audit and inspection.
Slide 3		<p>(10-15 minutes)</p> <p>Introduction to the Model Complaints document</p> <p>This document was published in 2004 as the first concrete and specific guidance about how to deal with SEA. It remains useful and is something you should become familiar with.</p>
Slide 4		<p>The model complaints document – also known as the IASC protocol – was developed for these purposes.</p>
Slide 5		<p>(p 14) – the document explicitly defines the benefits:</p>

	<p>Benefits of Adherence to the Procedures</p> <p>There are three principal benefits to the complaints and investigation procedures being implemented and followed.</p> <p>For each of the three benefits on the slide, ask participants to explain how implementing and following procedures for complaints and investigations provide these benefits. (see notes below copied from Page 14 of the Model Complaints document)</p> <ul style="list-style-type: none"> • Beneficiaries are protected. Those who have suffered sexual exploitation/abuse must be protected, and the rigorous application of such protocols acts as a preventative measure (response to and prevention of SEA). • The agency's staff are protected. Staff are clear as to what expectations their organization has about their behavior and what to do if they observe or are made aware of inappropriate behavior on the part of others. The presence of and adherence to clear procedures helps to ensure due process and protect them against false allegations. • The agency's reputation is upheld. By implementing these protocols, the organization is making clear its commitment to protect the rights of men, women and children by doing all it can to prevent their sexual exploitation and abuse. The code of conduct and supporting procedures will ensure that the organization moves towards best practice and deters those who wish to abuse beneficiaries from joining the organization. <p>Conversely, the failure to implement or adhere to procedures bears many risks, to men, women, children and staff, as well as to the organization's reputation.</p>
<p>Slide 6</p>	<div data-bbox="298 1274 711 1581">  <p>Contents of the Model Complaints & Investigation document</p> <ul style="list-style-type: none"> • Executive Summary • Introduction <ul style="list-style-type: none"> – Including key principles • Making/receiving complaints • Investigation guidelines • Interviewing witnesses and victims • Recommendations for implementation </div> <p>Ask participants to open their copy of the document to the table of contents: As you can see, this is a comprehensive – and dense – document. We will be referencing sections throughout this workshop. One of the advance reading assignments was to become familiar with this document. If participants have not already done so, please ask them try to find some time this evening. This is an important document for your work in investigations.</p> <p>Explain that the remainder of this workshop will focus on the yellow text in this slide.</p>

<p>Slide 7</p>		<p>(20 minutes)</p> <p>Ask participants why these issues are important to consider when conducting investigations.</p> <p>Generate a brief discussion, making the key point that risks and vulnerability to SEA increase the barriers to reporting/making complaints AND may be relevant factors when interviewing witnesses – the same fears and barriers are likely to affect victims' and witnesses' willingness to talk honestly with an investigator.</p>
<p>Slide 8</p>		<p>Brainstorming (2-3 min).</p> <p>When the group has identified some/most of the risks and vulnerabilities related to SEA, show the next slide.</p>
<p>Slide 9</p>		<p>For each type of risk/vulnerability on the slide, explain if these were not already identified by the group.</p>
<p>Slide 10</p>		<p>Barriers to making a complaint – barriers to disclosing SEA and/or reporting suspicions</p> <p>Show each of these 3 slides, going through each item. After showing one slide, ask participants if they are familiar with these barriers – if they have seen them “in action.”</p>

Slide 11	 <p>Barriers to making a complaint (cont'd)</p> <ul style="list-style-type: none"> • Cultural issues and norms – it is seen as acceptable practice in the country/region • Cultural issues and norms – it is not seen as acceptable to challenge those in authority • Attitudes towards women and children • A socioeconomic or political context that might sustain a belief that sexual exploitation/ abuse is unimportant. 	
Slide 12	 <p>Barriers to making a complaint (cont'd)</p> <ul style="list-style-type: none"> • Isolation, lack of management and support • Age – children may be less likely to report • Lack of knowledge concerning the reporting process • Lack of access to anyone with power or will to intervene • Lack of awareness that sexual exploitation and abuse is wrong. 	<p>Ask the group – Why is it important to be aware of potential barriers to making complaints? Short discussion – 2-3 min – to draw out:</p> <p>These same issues may be obstacles during investigations.</p>
Slide 13	 <p>Key Principles for Receiving Complaints and Conducting Investigations</p>	<p>(60 minutes)</p> <p>Returning now to the Model Complaints and Investigations document, there are a number of key principles that require attention and adherence.</p> <p>Ask participants to find the Key Principles (page 15) in their copy of the Model Complaints document.</p>
Slide 14	 <p>Key principles</p> <ul style="list-style-type: none"> • Confidentiality • Anonymity • Safety and welfare • Professional care and competence • Thoroughness • Independence • Planning and review • Respect for all concerned • Timeframes • Working in partnership with others • National authorities 	<p>The three principles in yellow on this slide are the essential principles for all action to address SEA. These three are focused on basic and essential protection. Confidentiality must be maintained at all times. Anonymity allows the complaints process to function. Safety and welfare of all complainants, witnesses, and alleged perpetrators must be paramount.</p>

<p>Slide 15</p>	 <p>Principles Case Study</p>	<p>Break participants into pairs or small groups.</p> <p>Hand out the KIDAID case study.</p> <p>Ask participants to find the first section, “The Complaint” and read along as you read it aloud.</p> <p>Ask if there are any questions or if the situation is clear. Reread or clarify as needed to be sure all are clear about the situation.</p>
<p>Slide 16</p>	 <p>Principles case study</p> <ul style="list-style-type: none"> • Small groups • KIDAID case study • Discuss and answer the questions on the principle(s) assigned to your group • Write brief answers on flip chart • Post flip chart 	<p>Give each group flipchart paper and allocate the principles until all are equally assigned. Ask the pairs to write their assigned principle(s) on the flipchart paper followed by answers to the relevant questions.</p> <p>Allow 30 min. for group discussions.</p> <p>Allow another 30 minutes for Gallery Walk and plenary discussion:</p> <p>Bring everyone back together and put up the charts. Invite groups to walk around and read the charts.</p> <p>Ask for questions, observations, points of clarification, overlap and similarity, and any errors or omissions participants may see.</p> <p>Key messages for closing this exercise:</p> <ul style="list-style-type: none"> • The principles are interrelated and must be applied equally • Our own interpretation of the principles will affect how we apply them – and this may have an impact on our roles as investigators. • These principles should be guiding our work – therefore, we must understand them and be able to apply them.
		<p><i>It should be time for lunch break when this exercise is completed.</i></p> <p><i>If the morning is running long, at least have the groups to finish their work and post their flipcharts before lunch.</i></p> <p><i>Plenary discussion can take place after lunch if required.</i></p>

Slide 17	 <p>Investigations</p>	(20-30 minutes)
Slide 18	 <p>Basic rules (principles) of conducting an investigation</p> <ul style="list-style-type: none"> • Investigating the allegations, not an individual • Presumption of innocence • The investigator is not the decision-maker • The investigator does not make moral judgments relating to any of the parties of the complaint 	<p>Now that we have looked closely at the principles that must be applied to all complaints and investigations, we will look further at investigations.</p> <p>In addition to the key principles from this morning, there are several rules – or principles – that must be understood.</p> <p>Go through each item on the slide; ask the group to further explain each; answer any questions, provide clarifications as needed</p>
Slide 19	 <p>Stages of an Investigation</p>	<p>Ask participants to find their copy of the BSO Guidelines and open to the table of contents.</p> <p>Explain that the Model Complaints document we looked at this morning was the first guide to be developed and is still important and useful, as it focuses on principles and other issues of importance – as well as specific guidance for conducting investigations. The BSO Guide was developed a few years later and contains more specific guidance about gathering evidence, conducting interviews, and writing the report.</p> <p>For now, despite some redundancies in the two guides, both are useful and recommended. We will be using both in this workshop.</p>
Slide 20	 <p>Stages of investigations</p> <ol style="list-style-type: none"> 1. Receive allegations 2. Decide whether to investigate 3. Plan the investigation 4. Gather and study background material and documentary evidence 5. Revisit investigation plan 6. Interview witnesses 7. Write investigation report 8. Conclude the investigation 	<p>Go through each stage briefly, pointing to the table of contents in the BSO Guide, to orient participants to the contents of the guide and to clarify the stages of investigations.</p> <p>Explain that the remainder of this workshop will focus on stages 3 through 8. We will learn about these stages through the use of the KIDAID case study.</p> <p>In our next session, we will discuss information gathering (for stages 4 and 6) – which includes</p>

		interviewing skills and interviewing witnesses.
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Notes and Key Messages

✦ Risk, vulnerability and barriers to complaints

This discussion is relevant to investigations in that similar issues can lead to barriers, fears and retraction. The following notes are from the Model Complaints document, section on conducting investigations.

There are a number of barriers that impede both the victim's ability to talk freely about his/her experiences and the interviewer's ability to fully "hear" what has happened and to act upon it.

For example, the personal safety of the victim will fundamentally affect his/her ability and willingness to disclose complaints of sexual abuse or exploitation. It is well established that children and vulnerable adults will often not disclose fully what has happened to them until they feel they are in a place of safety. Once in a safe environment, it may still take time before victims begin to believe that they are secure and can disclose the extent of the exploitation or abuse they have suffered. A witness may not be able to provide a full account at the first meeting. This is not because he/she is purposefully withholding information but may be because of:

- Fear of not being believed
- Fear of what might happen next, including the withdrawal of his/her source of basic survival
- Trauma affecting recollection and memory
- Feelings of embarrassment or guilt
- Lack of vocabulary or language differences
- Lack of awareness that what he/she has experienced is seen as exploitative or abusive
- Fear of blame or rejection by close relatives and community.

People who have been sexually exploited may also retract the initial complaint, for similar reasons. It is important that this is dealt with sensitively. Interviewers should not assume that a retraction automatically indicates that exploitation/abuse has not occurred.

Interviewers need to be aware of the potential barriers to their believing that exploitation/abuse has occurred. These include disbelief that "nice" or "professional" or white people can do such things, fear that they might make it worse, or a reluctance to become

involved in distressing and complex matters. To counter this, it is important that there are two investigators working together and that support/supervision is available to each of them.

- ✦ Male survivors of SEA, especially adult males, are even less likely to disclose their experiences and pursue a complaint. Sexual abuse of adolescent and adult males strikes at the core of masculinity and is as devastating for males as it is for females.

Handout: KIDAID Principles Case Study

Task

- Time: 30 minutes.
- Read the first section, "The complaint," in the KIDAID Case Study handout.
- Your role: You are an investigator and have just received this case.
- Your group will be assigned a principle(s) from the list below.
- Discuss the following questions for each of your assigned principles. Refer to the IASC protocol (pages 15-16) for information about the principles.
- Record key points on flipchart paper; please be brief.
- Discussion questions:
 - ✓ Why is the principle important to the investigation in this case?
 - ✓ How can the principle be applied in the investigation from now on?

Principles

1. Confidentiality
2. Anonymity
3. The safety and welfare needs of complainants/witnesses (including survivor safety and analysis of the risks + health + psychosocial + legal/justice)
4. Professional care and competence
5. Thoroughness
6. Independence
7. Planning and review
8. Respect for all concerned
9. Timeframes
10. Working in partnership with other interested parties
11. National authorities

Session 4. Gathering information

Overview

Information gathering in this session includes what information should be gathered and how, with the emphasis on interviewing. This session goes through each aspect of information gathering, building on what participants learned when they read the pre-workshop reading. Content from this session will be reinforced through review and practice in Sessions 5 and 6.

This session begins on Day 1 and concludes first thing in the morning on Day 2. The PowerPoint for this session includes slides for closing Day 1 and opening Day 2.

Aims




1. To identify core skills required for investigating complaints.
2. To identify information to be gathered during an investigation and methods for information gathering.
3. To develop interviewing skills through practice role plays.

Time

2 – 3 hours

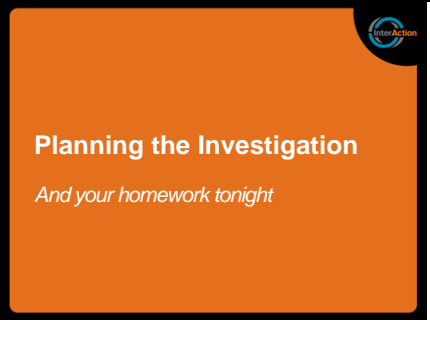
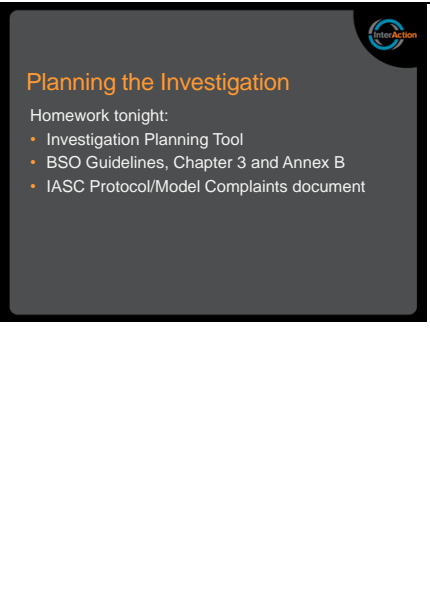
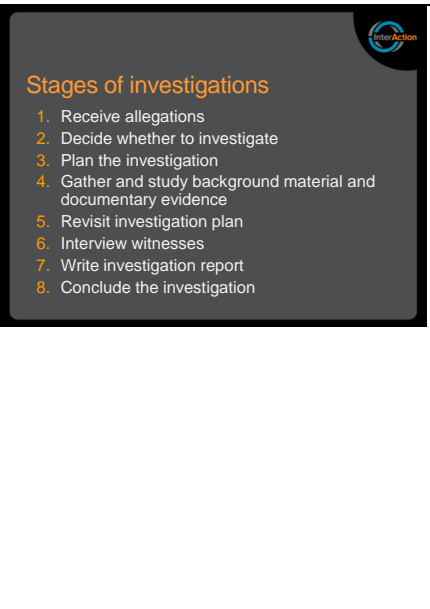
20 minutes	Gathering information – the “what”
25 minutes	Observing and listening – the “how”
90 minutes	Interview practice
30 minutes	Plenary discussion of interview practice

Materials and Preparation





-  PowerPoint 4
-  Handout the PowerPoint presentation for this session (print as handout, 4 slides per page) to facilitate note taking (it is already included in the Participant Manual; if you change the PowerPoint, you will need to change that handout)
-  Prepare handouts and role play documents

Detailed Facilitator's Notes

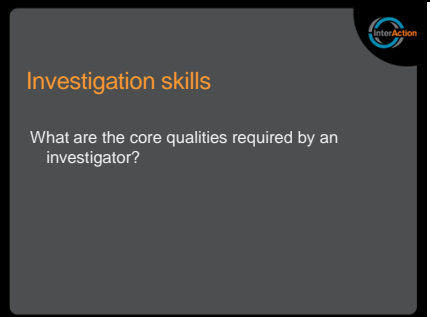


Slide 1		
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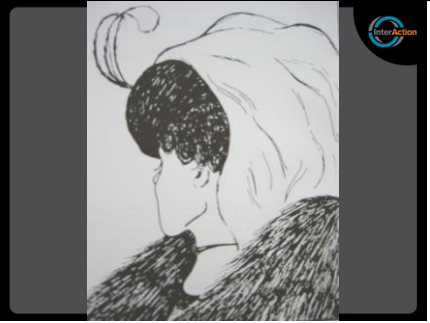

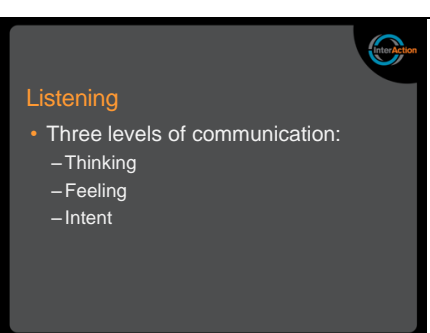
Slide 2		
Slide 3		<p>For now, we are skimming through investigation planning, and moving quickly into information gathering.</p> <p>The documents listed on this slide are the tools we will be using as we go through conducting an investigation tomorrow. Therefore, these documents are your HOMEWORK reading/review for tonight, so that you are ready for tomorrow's investigation exercise.</p> <p>Ask participants to find the Investigation Planning Tool in the participant manual – so they know where it is and to be sure they have it.</p> <p>The BSO Guidelines and the IASC Protocol have already been reviewed a bit, so participants should have these tools on hand.</p>
Slide 4		<p>Remember the stages we just discussed.</p> <p>Receive allegations – a complaint has come through the complaints mechanism and was forwarded to the appropriate manager</p> <p>Decide whether to investigate – the manager conducts a brief preliminary review to determine whether an investigation should be conducted. If yes, then the manager designates investigators.</p> <p>The first step for the investigation team is step #3 on this slide – plan the investigation. From there, the investigation follows a logical and step by step process for gathering and analyzing information.</p> <p>The investigation concludes with the report, which is passed to the manager for decision making.</p>

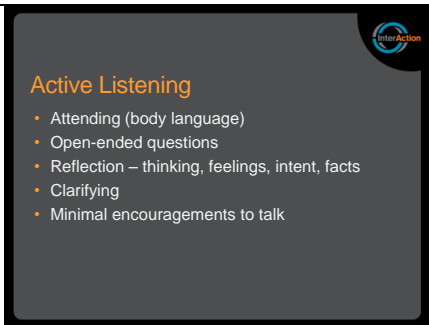

Slide 5	 <p>Planning the investigation: how information is obtained</p> <ul style="list-style-type: none"> Establish how the following information will be obtained: <ul style="list-style-type: none"> Interviews with all relevant witnesses including complainant, victim and subject of complaint Records and documentation Visiting the location/scene of incidents if appropriate Research and knowledge Policy, procedure and protocol Expert advice, assistance and interpretation 	
Slide 6	 <p>Facts about Gathering Information</p> <p><i>The "WHAT"</i></p>	<p>20-30 minutes</p> <p>First, we will quickly go through WHAT information will be needed during an investigation and possible sources for that information.</p>
Slide 7	 <p>Gathering information: what</p> <ul style="list-style-type: none"> Testimony (including that of experts) Information about the subject of the complaint (SOC) Information about complainant; victim and witnesses documentation Previous complaints Research Examination of locations 	<p>All of these are potential sources of information.</p>
Slide 8	 <p>Gathering information: testimony</p> <ul style="list-style-type: none"> Gathered through interviewing victims, witnesses and SOC Adhere to the guidelines, rules and principles For experts, include status and experience, and identify facts and opinion Relevant to the investigation 	

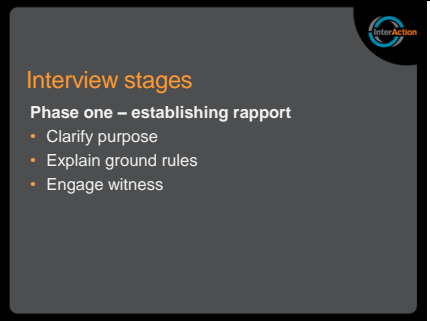
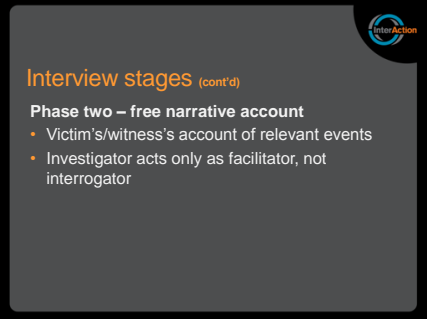
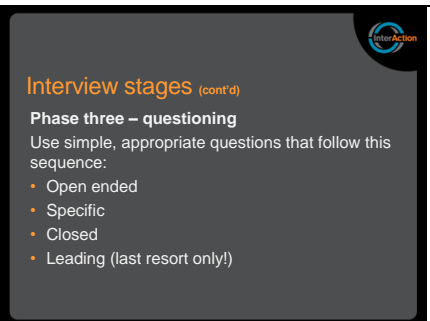
Slide 9	 <p>Gathering information: info about SOC</p> <ul style="list-style-type: none"> • Timelines • Personnel knowledge • Employment status (during and prior to current post if possible) • Personnel file • Interview • Behaviors 	
Slide 10	 <p>Gathering information: information about complainants</p> <ul style="list-style-type: none"> • Any previous complaints: <ul style="list-style-type: none"> – Vulnerability – did this make them more vulnerable to abuse and/or aware of abuse? – Is there a possibility that complaints are malicious? – Is there information to suggest that there is any other reason for making a statement? 	
Slide 11	 <p>Gathering information: documentation</p> <ul style="list-style-type: none"> • Written complaint • Application for post and previous history • Personnel/HR information • Previous complaints against subject • Information previously given in similar incidents about/by others • Previous statements made by witnesses • Information relating to policy and/or procedure • Logs/rosters, stockpiles, photos, emails, etc. 	
Slide 12	 <p>Gathering information: previous complaints</p> <ul style="list-style-type: none"> • May indicate previous patterns of behavior • May identify unclear boundaries of right and wrong • Information about similar issues that may link to the current incident and provide leads 	

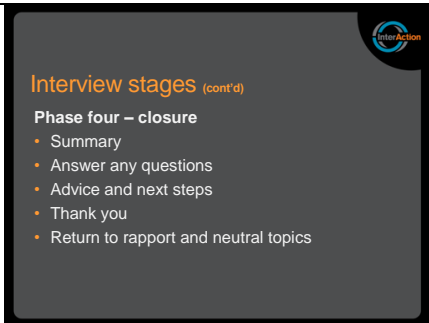
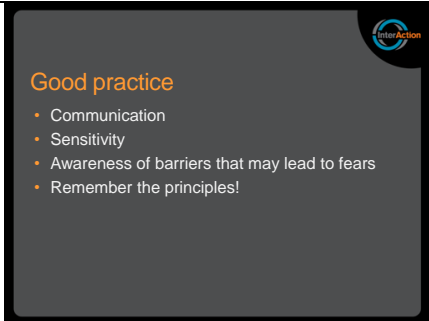
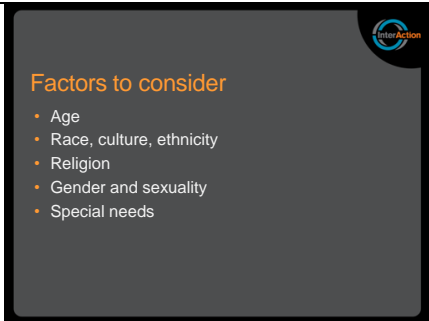
Slide 13	 <p>Gathering information: examination of location</p> <ul style="list-style-type: none"> • Does it fit with nature and circumstances of complaint? • Are there considerations that would make the environment safer to others? • Could the incident have taken place there? • Do the statements make sense? • Take pictures of location for future reference 	
Slide 14	 <p>Gathering information: record keeping</p> <ul style="list-style-type: none"> • Keep organized records of all information gathered throughout the investigation • All records should be kept in a locked, secure location to ensure they will not be tampered with. 	
Slide 15	 <p>Gathering information: which information becomes evidence?</p> <p>Evidence is information that proves or disproves the allegation</p>	
Slide 16	 <p>Skills for Gathering Information</p> <p><i>The "HOW"</i></p>	20-30 minutes total

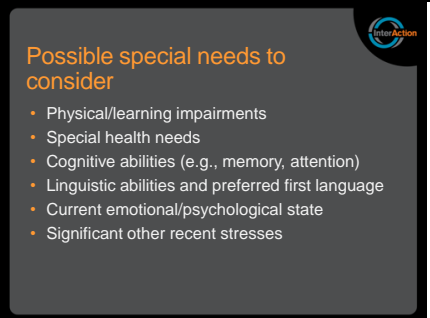
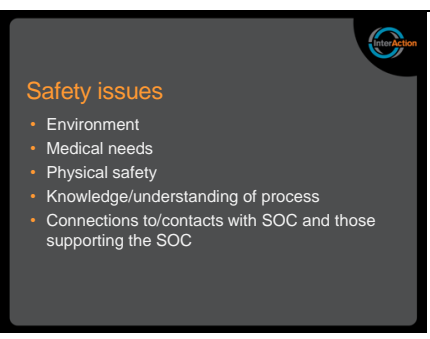

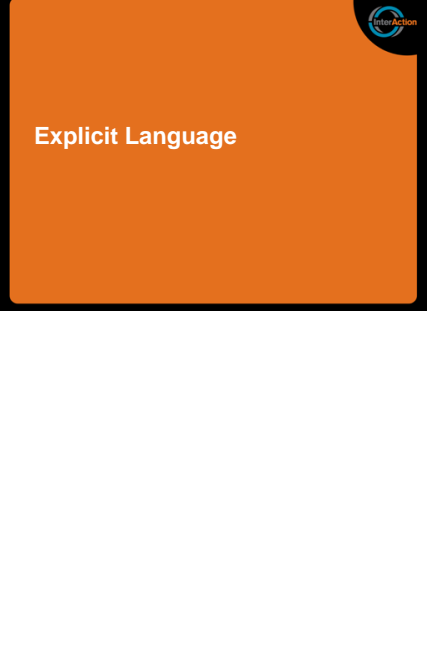
Slide 17	 <p>Investigation skills</p> <p>What are the core qualities required by an investigator?</p>	<p>Inform the group that they are likely to have the necessary skills to undertake the role of investigator, but they need see their skills in a different light.</p> <p>(5 minutes)</p> <p>Ask the group what are the core skills and qualities required by an investigator? (brainstorm)</p> <p>Record answers on the flipchart (e.g., planning, communication, thoroughness, careful listening, observation, adaptability, structure, cultural sensitivity, analytical, curious, common sense, creativity, specificity, investigative).</p> <p>Explain that the remainder of the afternoon will focus on observation and listening/Interviewing skills.</p>
Slide 18	 <p>Observation</p>	<p>(5 minutes)</p> <p>The ability to observe <u>objectively</u> is a key skill.</p> <p>Show the next slides (pictures) and ask participants what they see. Allow time for all to see what is in the picture before explaining the slide and moving to the next.</p>
Slide 19		<p>FLY</p> <p>This is difficult for some people to see, as it is white letters on a black background. We are more accustomed to seeing black letters on a white background.</p>



Slide 20		<p>Old lady and young lady.</p> <p>Some people see one of the women immediately – but it is then difficult to see the other woman. Both are there, but all people don't always see both of them.</p>
Slide 21		<p>Dogs threatening the cat? Dogs protecting the cat? Dogs afraid of the cat?</p> <p>Ask why these pictures were shown in the context of observation (i.e., to illustrate many different ways of viewing the same thing).</p> <p>Explain that personal biases can color the way we see things. This needs to be recognized and managed to ensure that you can be an objective investigator.</p> <p>Refer to the benefits of working as a team with a co-investigator and to the importance of having all the facts before jumping to conclusions.</p>
Slide 22		<p>(15 minutes)</p> <p>Listening is an active process, not passive. Individuals need to pay attention to ensure that they can assimilate the maximum amount of information with as much understanding as possible.</p> <p>In recognizing “feelings,” people gather more information. Feelings underneath the words may not match the words being said. It is also useful early in interviews to build rapport; to give the interviewee reassurance and acknowledgment of them as a human being.</p> <p>Explain that there are three levels on which we listen to others: thinking, feeling and intent. Using the slide, describe each of these levels.</p> <p>Demonstrate with a few simple statements some examples and ask the group to identify the different messages that came through in each, e.g.:</p> <ul style="list-style-type: none"> • “Nothing happened.” (quiet voice, looking down, looking away)


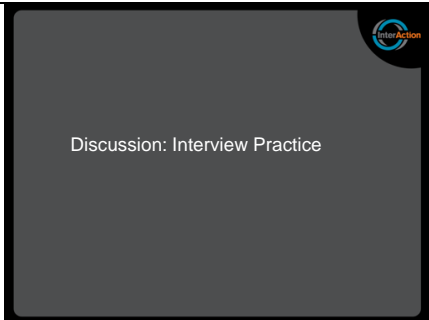
		<ul style="list-style-type: none"> • “I’m fine!” (angry voice, defensive body posture) • “I am ready to answer your questions.” (sarcastic tone, angry eyes, staring directly at the group)
Slide 23		<p>Briefly explain each item on the slide (participants will learn more about these and will have opportunities to practice later today and tomorrow)</p> <p>Ask participants to think of a time they felt they were really listened to, that the listener understood what they were saying, thinking, and feeling. Ask a few volunteers to give examples of what the listener did to indicate they were truly listening.</p> <ul style="list-style-type: none"> • Attending – showing that you are listening through your eye contact and body language (leaning forward, facing the person, etc.) • Open-ended questions – Avoid yes/no questions; try to ask questions that will get the interviewee to talk • Reflection – Reflecting back to the person what you hear from thinking, feelings, intent, and facts • Clarifying – Checking facts, re-stating • Minimal encouragements to talk – Some examples include “Mm hmm”, “Yes”, “And then what happened?”
Slide 24		<p>90 minutes total: 30 minutes lecture/discussion + 60 minutes practice</p> <p>Ask participants to open their copy of the IASC Protocol/Model Complaints document to the section on “Interviewing Witnesses and Victims”. (They should have read this document before the workshop; the purpose of having them open the document now is to reference it, make notes, etc.)</p>

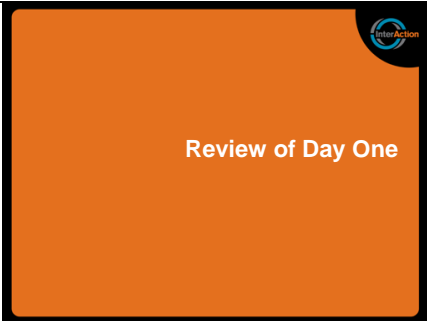
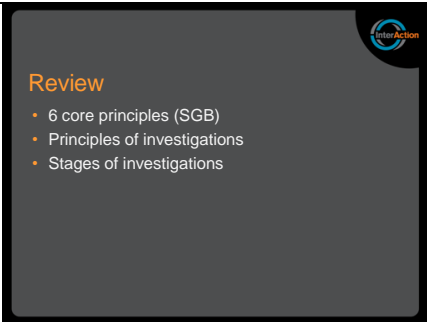
Slide 25	 <p>Interview stages</p> <p>Phase one – establishing rapport</p> <ul style="list-style-type: none"> • Clarify purpose • Explain ground rules • Engage witness 	<p>Interview Stages (15 minutes)</p> <p>Phase 1:</p> <p>Explain who you are and provide the witness with your business card or your name and contact details in writing.</p> <ul style="list-style-type: none"> • Introduce the second interviewer/observer and interpreter (if there is one) and explain their role. • Clarify the purpose of the interview. • Explain the ground rules (confidentiality, obligation to tell the truth, etc.) • Explain that you will be taking notes and that you will ask the interviewee to sign these notes at the end of the interview. • Engage with interviewee to gain his/her trust and build rapport
Slide 26	 <p>Interview stages (cont'd)</p> <p>Phase two – free narrative account</p> <ul style="list-style-type: none"> • Victim's/witness's account of relevant events • Investigator acts only as facilitator, not interrogator 	<ul style="list-style-type: none"> • Ask very open questions – “Tell me about your duties as a ...?” • Avoid interrupting or clarifying ambiguities. • Have an “active listener” posture. • Elicit more information by repeating key phrases used by the witness. • Offer prompts that relate to his/her account only. Do not refer to other witnesses' evidence. • Work at the interviewee's pace. • Do not give positive or negative feedback. Beware of unintentionally communicating approval or disapproval through facial expressions and voice inflections. • Give neutral prompts – “And then what happened?”
Slide 27	 <p>Interview stages (cont'd)</p> <p>Phase three – questioning</p> <p>Use simple, appropriate questions that follow this sequence:</p> <ul style="list-style-type: none"> • Open ended • Specific • Closed • Leading (last resort only!) 	<p>Phase 3</p> <ul style="list-style-type: none"> • The purpose of this phase is to clarify information the interviewee has already provided and to help the witness to give relevant evidence if unable to do so during the open narrative. • Follow this sequence of questioning when possible: <ul style="list-style-type: none"> ○ Open-ended – “How would you characterize your relationship with (name of subject of complaint)?” ○ Specific – “How often did (name of subject of complaint) ask you to...?” ○ Closed – “Did you used to do this (activity) or


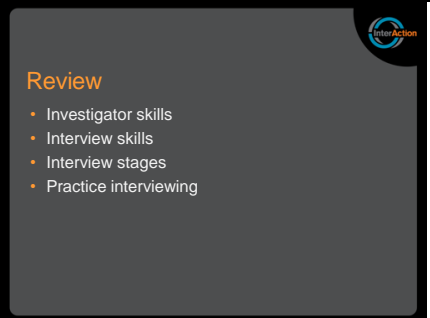
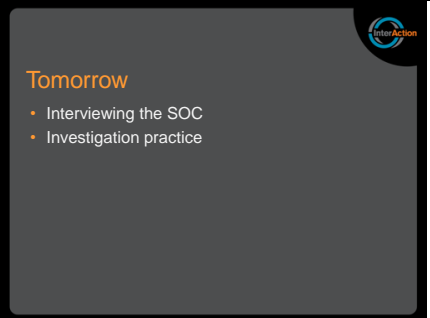
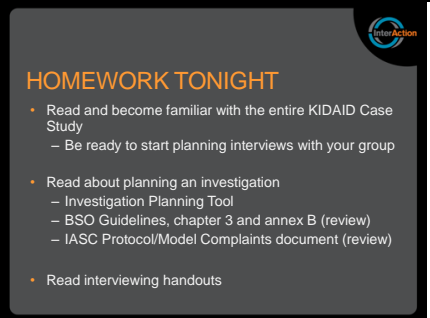
		<p>not?”</p> <ul style="list-style-type: none"> ○ Leading (only as a last resort) – “Is this (activity) happening?”
Slide 28		<p>Phase 4</p> <ul style="list-style-type: none"> • Check with second interviewer (recorder) if there are any outstanding matters. • Summarize what the interviewee has stated in his/her words. • Ask if s/he has anything to add or change. • Answer any questions s/he may have. • Check if s/he requires any outside assistance. • Thank him/her for his/her time.
Slide 29		
Slide 30		<p>Remember the issues of vulnerability and barriers we discussed this morning? All of these must be taken into account as you interview victims and witnesses.</p>



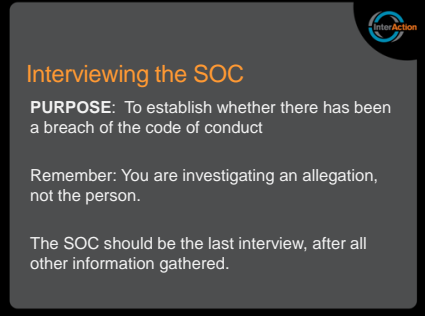
Slide 31	 <p>Possible special needs to consider</p> <ul style="list-style-type: none"> • Physical/learning impairments • Special health needs • Cognitive abilities (e.g., memory, attention) • Linguistic abilities and preferred first language • Current emotional/psychological state • Significant other recent stresses 	Also note handout on interviewing children.
Slide 32	 <p>Safety issues</p> <ul style="list-style-type: none"> • Environment • Medical needs • Physical safety • Knowledge/understanding of process • Connections to/contacts with SOC and those supporting the SOC 	These are especially important to consider for victims and witnesses – and also for the SOC.
Slide 33	 <p>Safety issues (cont'd)</p> <ul style="list-style-type: none"> • Is the victim/witness still at risk? • Who is responsible for her/his welfare? • Does victim/witness know how to report concerns about harassment or intimidation? • What family, friends or professional support networks are available to the victim/witness? 	
Slide 34	 <p>Explicit Language</p>	<p>Explain that when conducting interviews and writing investigation reports, investigators will need to be comfortable using sexually explicit language and helping witnesses to do the same. Provide the group with a few examples of alternative words used to describe sexual intercourse or genitals, e.g., “sleeping together,” “loving,” “be his girlfriend,” “private parts,” “down there,” etc. Write these examples on a flipchart.</p> <p>Ask the group to suggest other euphemisms that men, women and children would use. Write these examples on the flipchart as well.</p> <p>Then ask the group to explain what is meant by some of these terms and why it is necessary to be explicit.</p> <p>Be clear that investigators should never “force” a witness to use explicit language if it will harm them.</p>



		<p>However, all investigators must themselves be capable of using anatomically correct and sexually explicit language without appearing embarrassed, ashamed or judgmental.</p>
Slide 35	 <p>The slide is orange with the text 'Interview Practice' in white. There is a small 'InterAction' logo in the top right corner.</p>	<p>Using the KIDAID case study from earlier today.</p> <p>Ask participants to find their copy.</p>
Slide 36	 <p>The slide is dark grey with orange and white text. It includes a title, roles for Person A and Person B, a timeline, and a list of topics for discussion. There is a small 'InterAction' logo in the top right corner.</p>	<p>In pairs (described as Person A and Person B below in the instructions), participants will practice interviewing the SOC. Explain that this is practice and will be rapid – in a real situation, there would be more time to prepare.</p> <p><u>First Round</u> Person A – Interviewer Person B – Give Ms. Presley's Role Description</p> <p>Explain: In the first day of your investigation, you had some discussions with Ms Presley about the investigation and some preliminary information. Now, you want to go back and question her in more detail about the events and the allegations.</p> <p>Allow 10 minutes to prepare for the interview</p> <p>Allow 15 minutes for the interview</p> <p>Allow 5 minutes for discussion among the pairs (ask participants to keep a few notes for discussion tomorrow morning)</p> <p>Facilitator should move among pairs to listen and monitor how the exercise is going.</p> <p>NOTE: It is important to keep to time during this exercise and be sure groups are moving to the next step on time.</p>


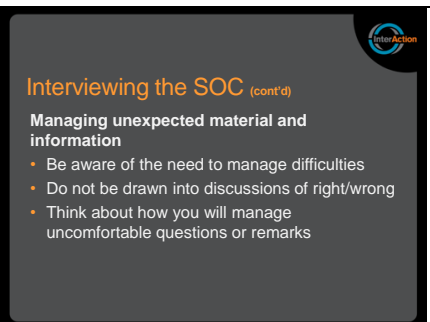
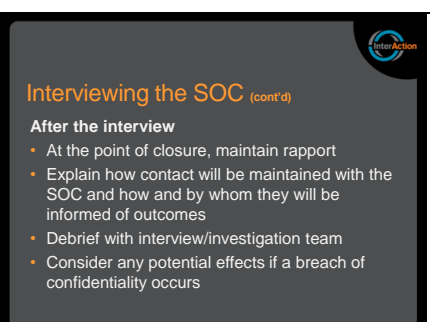
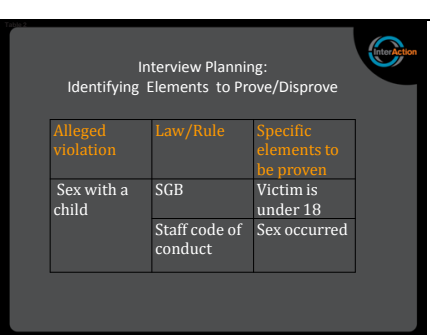
		Remind participants that these interviews are part of the case study that we will use throughout the whole workshop, so this is part of the gathering of evidence, and they should keep track of information gathered in these interviews.
Slide 37		<p><u>Second Round</u> Person B – Interviewer Person A – Give Delilah’s Role Description</p> <p>Explain: During preliminary interviews with some of the other drivers and guards, you have discovered that the bar where Barry collects the alleged prostitutes is called <i>The Pussy Cat Club</i>. You have managed to secure an appointment with the owner, Ms. Delilah. You do not know her family name.</p> <p>Allow 10 minutes to prepare for the interview</p> <p>Allow 15 minutes for the interview</p> <p>Allow 5 minutes for discussion among the pairs (ask participants to keep a few notes for discussion tomorrow morning)</p> <p>Facilitator should move among pairs to listen and monitor how the exercise is going.</p> <p>NOTE: It is important to keep to time during this exercise and be sure groups are moving to the next step on time.</p>
Slide 38		<p>(slide intentionally left blank)</p> <p>By now the room should be fairly noisy. It may take a few moments to bring people back from the role plays.</p> <p>Ask a few questions to get general responses and close the role play; such as:</p> <ul style="list-style-type: none"> • How was that? • Was that difficult? • Was that fun? • Are you learning something?

		<p>(approximately 20-25 minutes)</p> <p>Facilitate a discussion in plenary to elicit participants' experiences during the SOC Interview Role Plays. Ask a few questions, such as:</p> <ul style="list-style-type: none"> • What was the most difficult aspect for you as the interviewer? • What did you experience as the subject? • Did you feel comfortable and natural in your role as interviewer? • What do you think you need to be more comfortable and more skilled as an interviewer? <p>Highlight a few key points:</p> <ul style="list-style-type: none"> • Importance of adequate planning for interviews • Importance of gathering and organizing information before making an interview plan – using timelines and the other tools we discussed yesterday. • Importance of practice!!
Slide 39	 <p>The slide is orange with the text "Review of Day One" in white. There is a small "InterAction" logo in the top right corner.</p>	<p>Briefly go through the following slides to remind participants where we began today and all of the topics we covered.</p> <p>Remind participants of the stages of investigations (copy of previous slide is included)</p>
Slide 40	 <p>The slide is dark grey with the title "Review" in orange. Below the title is a bulleted list: "6 core principles (SGB)", "Principles of investigations", and "Stages of investigations". There is a small "InterAction" logo in the top right corner.</p>	

Slide 41	 <p>Stages of investigations</p> <ol style="list-style-type: none"> 1. Receive allegations 2. Decide whether to investigate 3. Plan the investigation 4. Gather and study background material and documentary evidence 5. Revisit investigation plan 6. Interview witnesses 7. Write investigation report 8. Conclude the investigation 	
Slide 42	 <p>Review</p> <ul style="list-style-type: none"> • Investigator skills • Interview skills • Interview stages • Practice interviewing 	
Slide 43	 <p>Tomorrow</p> <ul style="list-style-type: none"> • Interviewing the SOC • Investigation practice 	<p>Explain that most of the day tomorrow will be spent working in small groups on an investigation, using a case study.</p> <p>All participants must arrive tomorrow prepared to get started on the case study. This means there is some required homework reading tonight...</p>
Slide 44	 <p>HOMEWORK TONIGHT</p> <ul style="list-style-type: none"> • Read and become familiar with the entire KIDAID Case Study <ul style="list-style-type: none"> – Be ready to start planning interviews with your group • Read about planning an investigation <ul style="list-style-type: none"> – Investigation Planning Tool – BSO Guidelines, chapter 3 and annex B (review) – IASC Protocol/Model Complaints document (review) • Read interviewing handouts 	<p>(hand out the Planning an Investigation handout and the KIDAID Case Study)</p> <p>Inform participants that they will be assigned to groups in the morning.</p> <p>When the homework assignment is clear, close the workshop for the day and thank everyone for their hard work and attention.</p>

Slide 45		<p>(5 minutes)</p> <p>Welcome participants.</p> <p>Check in with everyone about homework assignment – explain that we will start working on that case study a little later this morning.</p>																																																						
Slide 46	 <table border="1"> <thead> <tr> <th>Timing</th> <th>Minutes</th> <th>Topic</th> </tr> </thead> <tbody> <tr> <td>9:00 am</td> <td>15 min.</td> <td>Opening: review yesterday; schedule for today</td> </tr> <tr> <td>9:15</td> <td>45 min.</td> <td>Session 4: continued</td> </tr> <tr> <td>10:30</td> <td>30 min.</td> <td>Interviewing the SOC KIDATO CASE STUDY: Prepare for Interview 1 Examination of Investigation Planning Tool</td> </tr> <tr> <td>11:00</td> <td>30 min.</td> <td>INTERVIEW 1</td> </tr> <tr> <td>11:30</td> <td>30min.</td> <td>Debrief with Actor: Feedback on Round 1 Interview</td> </tr> <tr> <td>12:00</td> <td>15min.</td> <td>Tea break</td> </tr> <tr> <td>12:15</td> <td>30 min.</td> <td>Plenary Feedback</td> </tr> <tr> <td>12:45pm</td> <td></td> <td>LUNCH</td> </tr> <tr> <td>1:45</td> <td>30min</td> <td>Prepare Interview 2</td> </tr> <tr> <td>1:45pm</td> <td>30 min</td> <td>INTERVIEW 2</td> </tr> <tr> <td>2:15 pm</td> <td>30 min</td> <td>Debrief with Actor: Feedback on Round 2 Interview</td> </tr> <tr> <td>2:45</td> <td>30min</td> <td>Plenary feedback</td> </tr> <tr> <td>3:15 pm</td> <td>30min</td> <td>Prepare for SOC Interview</td> </tr> <tr> <td>3:45 pm</td> <td>30 min</td> <td>INTERVIEW 3: the SOC</td> </tr> <tr> <td>4:15 pm</td> <td>30 min</td> <td>Debrief with Actor: Feedback on SOC Interview</td> </tr> <tr> <td>4:45 pm</td> <td>15min</td> <td>TEA BREAK</td> </tr> <tr> <td>5 pm</td> <td></td> <td>TABLE GROUPS: FINDINGS</td> </tr> </tbody> </table>	Timing	Minutes	Topic	9:00 am	15 min.	Opening: review yesterday; schedule for today	9:15	45 min.	Session 4: continued	10:30	30 min.	Interviewing the SOC KIDATO CASE STUDY: Prepare for Interview 1 Examination of Investigation Planning Tool	11:00	30 min.	INTERVIEW 1	11:30	30min.	Debrief with Actor: Feedback on Round 1 Interview	12:00	15min.	Tea break	12:15	30 min.	Plenary Feedback	12:45pm		LUNCH	1:45	30min	Prepare Interview 2	1:45pm	30 min	INTERVIEW 2	2:15 pm	30 min	Debrief with Actor: Feedback on Round 2 Interview	2:45	30min	Plenary feedback	3:15 pm	30min	Prepare for SOC Interview	3:45 pm	30 min	INTERVIEW 3: the SOC	4:15 pm	30 min	Debrief with Actor: Feedback on SOC Interview	4:45 pm	15min	TEA BREAK	5 pm		TABLE GROUPS: FINDINGS	<p>NOTE TO FACILITATORS – THIS IS JUST A SAMPLE SCHEDULE FOR THE DAY. IT WAS DEVELOPED FOR A SHORTER DAY GIVEN ACTOR'S NOT AVAILABLE FOR THE WHOLE DAY.</p> <p>ADD MORE TIME FOR INTERVIEW PREPARATIONS IF POSSIBLE, ESPECIALLY</p>
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Slide 47	 <p>Interviewing the SOC</p> <p>PURPOSE: To establish whether there has been a breach of the code of conduct</p> <p>Remember: You are investigating an allegation, not the person.</p> <p>The SOC should be the last interview, after all other information gathered.</p>	<p>Go through the following slides and highlight these points:</p> <ul style="list-style-type: none"> • There is an emotional component of interviewing SOC. • Avoid answering personal questions from a SOC. • Interview them last to enable better assessment of the truthfulness of their statement. • Potential effects of information not remaining confidential, such as negative impact for the organization, danger to witnesses including the subject of complaint, media interference, etc., and disciplinary proceedings that might be commenced against the subject of complaint for breaching confidentiality. <p>Explore the participants' experience and techniques used.</p>																																																						

Slide 48	 <p>Interviewing the SOC (cont'd)</p> <p>Preparation</p> <ul style="list-style-type: none"> • Research the SOG <ul style="list-style-type: none"> – Complete a timeline • Inform <ul style="list-style-type: none"> – Ensure that relevant investigators and managers are aware of the interview plan – Ensure that support staff are briefed about sensitive issues • Select appropriate interview team 	
Slide 49	 <p>Interviewing the SOC: preparation</p> <p>Timelines with Details Include:</p> <ul style="list-style-type: none"> • Date of birth of SOC • Dates of important life events • Events and summary underneath the timeline • Age of subject at time of event <p>Consider</p> <ul style="list-style-type: none"> • All allegations/complaints • New incidents that come to light during the investigation • List start and end periods of alleged abuse 	
Slide 50	 <p>Interviewing the SOC: preparation (cont'd)</p> <p>Chronology</p> <ul style="list-style-type: none"> • Useful where there is more than one victim, witness and/or subject of complaint • Can be "themed"; e.g., according to a specific set of circumstances • Can list all complaints and do not have to be subject-specific <p>Mapping</p> <ul style="list-style-type: none"> • Can be useful for planning and preparation 	
Slide 51	 <p>Interviewing the SOC: preparation (cont'd)</p> <p>Interview plan</p> <ul style="list-style-type: none"> • Develop strategies around what is known • Avoid judgmental words or approaches • Ensure body language is comfortable and reflects what is being said • Adopt an appropriate questioning style 	

Slide 52	 <p>Interviewing the SOC</p> <p>Investigators MUST:</p> <ul style="list-style-type: none"> • Clarify the purpose of the interview • Advise on disciplinary procedures • Explain confidentiality • Check expectations of subject • Advise on process (breaks, recording, next steps) 									
Slide 53	 <p>Interviewing the SOC (cont'd)</p> <p>Managing unexpected material and information</p> <ul style="list-style-type: none"> • Be aware of the need to manage difficulties • Do not be drawn into discussions of right/wrong • Think about how you will manage uncomfortable questions or remarks 									
Slide 54	 <p>Interviewing the SOC (cont'd)</p> <p>After the interview</p> <ul style="list-style-type: none"> • At the point of closure, maintain rapport • Explain how contact will be maintained with the SOC and how and by whom they will be informed of outcomes • Debrief with interview/investigation team • Consider any potential effects if a breach of confidentiality occurs 	<p>Conclude this discussion by asking if there are any questions.</p> <p>Explain that we will be using the SOC interviewing information later today when each team interviews the SOC in our case study.</p>								
Slide 55	 <p>Interview Planning: Identifying Elements to Prove/Disprove</p> <table border="1"> <thead> <tr> <th>Alleged violation</th><th>Law/Rule</th><th>Specific elements to be proven</th></tr> </thead> <tbody> <tr> <td rowspan="2">Sex with a child</td><td>SGB</td><td>Victim is under 18</td></tr> <tr> <td>Staff code of conduct</td><td>Sex occurred</td></tr> </tbody> </table>	Alleged violation	Law/Rule	Specific elements to be proven	Sex with a child	SGB	Victim is under 18	Staff code of conduct	Sex occurred	<p>This is just a sample which the facilitators should demonstrate in plenary. The point is to help participants learn how to break down the specific principle/article of their code and then identify what needs to be proven through information gathered in the interview.</p> <p>They should be developing 'interview questions', etc. to get information that will either verify, in this example, that there is a victim who is under 18 years of age ['child'] and that sex occurred [facts, not assumptions].</p> <p>Tomorrow, this exercise will be replicated, when they start to write up their investigation report and need to look at whether or not the allegation against the SOC can be upheld.</p>
Alleged violation	Law/Rule	Specific elements to be proven								
Sex with a child	SGB	Victim is under 18								
	Staff code of conduct	Sex occurred								

Notes and Key Messages

- ✦ Facilitator should be very familiar with the interviewing materials available in the IASC Protocol and the BSO Guidelines.
- ✦ Interviewing: During the Interview presentation, refer participants to the Interviewing Witnesses and Victims section in the IASC Protocol/Model Complaints document.
- ✦ The Participant Manual contains additional information about interviewing – including interviewing special groups, such as children. Be sure to call attention to these materials, as they are not specifically included in the content and discussions during this session.
- ✦ By the end of the first round of interviews, participants will begin to understand clearly that interviewing for investigations is completely different than interviewing in a social services or human resources context. For many participants, this is a sudden eye opener. If this happens, the facilitator should highlight this discovery and encourage participants to review the materials discussed during Day 1 as preparation for Day 2.
- ✦ Additional notes about interview procedures ¹

Preparation

- Research, read and digest all the relevant information on the complaint that you can find.
- Distill what you know into questions that elicit facts and details of the allegation, and also questions that give contextual information about the people involved and the events that may influence the allegation.
- Discuss these questions confidentially with managers/mentors and refine them.

Behavior

- You are forming a relationship with the interviewee. In conducting the interview, you want to be prepared, yet flexible, and create a communication climate in which the interviewee will feel comfortable.
- Be professional. Arrive on time, dress appropriately.
- Always speak clearly, maintain eye contact with the subject (if culturally appropriate) and sit or stand straight with neutral body language.
- Balance note-taking with maintaining eye contact with the interviewee. If you record the interview, be sure to ask the interviewee's permission before the interview and note this in the record of interview. Don't rely solely on the audiotape as your record of what was said in the interview, as tape recorders can fail.
- Signal your interest, but avoid leading the interviewee to respond in particular ways. Listen carefully, ask secondary/probing questions and use your interview plan to keep you on track.

Questions

- Free narrative: establish rapport. You may ask the participant "How long have you worked at your organization? What other posts have you held? What do you enjoy most about this duty station?"
- Closed questions: demonstrate by asking "Rohan, is your shirt blue?"
- Open questions: demonstrate by asking "Jane, how did you decide what to eat for breakfast this morning?"

¹ From follow up workshop facilitator's notes, *BSO Handbook: Training materials on receiving and investigating allegations of SEA by humanitarian workers*, ICVA, p. 257.

- Leading questions: demonstrate by asking: “Joyce, isn’t your neighbor taking up some of your space at the table?” or give an illustration of a leading question in an interview subject: “Don’t you think that the driver was behaving strangely that morning?”
- NOTE: leading questions should be avoided and only introduced as a last resort.

Closing – concluding the interview

- The goal of a good summary and closing is to leave the interviewee feeling satisfied with the interview.
- Alert the witness to the fact that the interview is drawing to a close. The interviewer might say, “My final question...”
- Your summary of entire interview should:
 - confirm your listening and note taking skills
 - highlight key testimony and overall conclusions
 - point out areas of agreement and disagreement
 - be agreed with by the interviewee: “Have I correctly summarized your statement?”
- Post-interview discussion should be informal. The interviewer and interviewee should engage in relaxed conversation.
- This phase of the interview is signaled when the interviewer closes his/her notebook or laptop.
- You should not introduce any new information at this point.
 - If necessary, you can reassure the interviewee, restate confidential nature of interview, purpose and use of information.
 - The interviewee often relaxes at this stage and may relay additional information. If this occurs, add the new information to the record of interview and ask the witness to sign the additional information.
 - Bid the interviewee farewell and end the post-interview discussion.

Situations to avoid

- The investigating officer must not make promises that s/he cannot keep, such as promises of immunity, confidentiality that may not be possible, promises of action relating to a particular case or promises of assistance.
- The investigating officer must not discuss what the findings and recommendations may or may not be with anyone except the appointed manager.
- The investigating officer must not have verbal or physical confrontations with witnesses; if problems arise, s/he should report the incident to the appointed manager.
- The investigating officer must not close the investigation before all available evidence has been gathered. If s/he does so, s/he is likely to gather only evidence that supports his/her preconceived conclusion.

Handout for Person A (Delilah)

Delilah, witness and bar owner of The Pussy Cat Club

Delilah is 54 years old and an Angolan national. She became a prostitute when she arrived in Namibia as a refugee. After several years she saved enough money to open The Pussy Cat Club with the help of a former client, Mr. Bush. The club is a bar that is licensed to sell alcohol. In addition, Delilah runs a brothel from the bar. Prostitution is illegal in Namibia, but Delilah is a business woman and there is no money to be made in running a legitimate bar. She pays the police to stay away and tells the girls to have sex with the police for free to keep them happy. The bar has recently been closed, but she is confident that if she pays a bribe it will reopen soon.

She recruits her girls from the rural areas and refugee camps, where there is a great deal of poverty. In addition, rural girls are not experienced and accept very low wages. She knows that three of her girls visit Mr. Michaelson regularly. They claim not to have sex with him, but he pays Delilah directly for their time every week. In her view, he is obviously having sex with all three of them. Mr. Michaelson's housekeeper, Ms. Jolie used to work for Delilah and made a lot of money, as she was very attractive.

Delilah's account in the interview

Delilah makes it clear that she does not want to jeopardize her business, so initially denies any illegal activity – especially prostitution, as she believes that the “foreign” investigators will report the prostitution activities to national authorities, who will punish her and keep the brothel closed. She will not give the names and ages of the prostitutes who work for her or the names of clients. She tells the investigators to leave her alone as she does not want any trouble from the national authorities. She does not think it is anyone else's business what she does.

However, she is proud of her business achievement and talks about what she has created over the years. Continuously, she states that she is a good person because the women working for her do so willingly and are content with their jobs.

As she is talking about the bar she accidentally admits that Mr. Michaelson is a customer. She eventually tells them that Mr. Michaelson is a regular client, but only on the weekends when he is not working. After her “mistake,” she states that he is a frequent client, who requests the same three girls each time. She states that the girls go to his home.

When asked further about Mr. Michaelson, she says she does not know him well, as he very rarely comes to the bar. Someone else picks up the girls, a local guy with a funny face. She thinks Mr. Michaelson is an honest and decent man, although suggestions that he has strange social behavior (e.g., why does he pay for the three girls each week if he does not always have sex with them, wondering if he is a “real” man, etc.). She justifies this by asking the interviewers what they expect; a healthy guy from Australia stuck in Windhoek needs to have “friends” and some “fun.” Anyway, Mr. Michaelson is a great man who always sticks up for the women and has even been down to the police station to get “his” girls out of jail when they have been arrested.

Demeanor during the interview

At first Delilah is very confrontational and angry. She is very defensive of her bar and worried it will be shut down. She is proud of the business and what she has created, and she enjoys talking about her business achievements, what goes on at the bar, and her management skills. Once she realizes the scope of the investigation, she calms down and becomes cooperative with certain questions.

Handout for Person B (Presley)

Elvira Presley, witness and Country Representative of KIDAID

Ms. Presley is a 42-year-old Swedish national. She is the KIDAID country representative and has worked with the organization since its creation in 1990. She recruited and trained both Mr. Michaelson and Mr. Glitter.

Ms. Presley trained as a lawyer in Paris before joining KIDAID and also has PhD in gender studies. While working for KIDAID, she has worked in a number of countries, including Kenya, Tanzania, Zambia, and Zimbabwe before moving to Namibia. As she studied at the Sorbonne prior to joining KIDAID, she considers herself to be well educated and experienced. She likes to wear the local dress and head covering. She considers herself to be a radical feminist, open-minded, and nonjudgmental.

Ms. Presley's account in the interview

She knows Mr. Michaelson well as a colleague. She does not believe that Mr. Michaelson and Mr. Glitter could have done what is alleged, particularly as they both passed her strict selection process. She personally vouches for the characters of Mr. Michaelson and Mr. Glitter. In her view, Mr. Glitter is a being targeted because of his disfigured face. She thinks Mr. Michaelson may be targeted for these allegations as he is a westerner, perceived to be wealthy, and critical of the local authorities.

Ms. Presley is stunned at the allegations. She doesn't know if Mr. Michaelson is actually visiting sex workers, but even if the investigators do believe the allegations, that it is no one else's business if Mr. Michaelson wants to pay adult sex workers. She only reported the matter because OCHA were making such a fuss and the police had become involved. Ms. Presley thinks Mr. Michaelson is a bit of a "rough diamond," not very cultured on the outside but with a good heart.

She thinks that Mr. Michaelson is too close to Mr. Glitter and that is a problem for their working relationship. However, she thinks if Mr. Michaelson is gay, then homosexuality is no big deal and staff can do whatever they want on their own time.

Demeanor during the interview

Once Ms. Presley is over the initial irritation (see text below), she is completely calm and polite throughout the interview. She never raises her voice or becomes excited. She is totally cooperative. She is somewhat patronizing in manner as she "knows that she is right" and the investigators are wasting everyone's time.

Additional role play requirements at the beginning of the interview

At the beginning of the interview she should make it clear that she has already been interviewed once and that she is very busy. She is willing to cooperate but is frustrated that the investigators did not ask all their questions earlier.

Handout: Interviewing

The Four Stages of Interviews

1. Rapport building and opening information

- **Thank the witness for attending the interview.**

Thank you for coming today and speaking to us/me. I imagine it was difficult to fit this into your full schedule. I understand that today is your day off. How long have you worked for the organization? Is it a good job?

Outline the pre-interview information:

- **Introduce yourself**

Explain who you are, offer your card with contact details and introduce any other investigators, observers or interpreters present.

- **Honesty and accuracy**

Staff members have a duty to cooperate and obligation to tell the truth. For witnesses who are not staff members, simply thank them for their time and explain that it is important for them to be accurate.

- **Confidentiality**

Staff members have an obligation to refrain from communicating with other persons interviewed in the framework of the same investigation. Explain that the investigation process is confidential for both witnesses and investigators alike. Describe who you are, as the investigator, and who you may have to share information with and why. If they are a staff witness, explain that breaching confidentiality can result in disciplinary measures.

Non-staff witnesses cannot be obliged to maintain confidentiality, but investigator should explain the importance of confidentiality to a fair process.

- **Purpose of note-taking**

Explain who will be taking the notes, i.e., the interviewer or the second interviewer. Explain the purpose of taking notes is to ensure accuracy when the investigation report is written up and to offer the witness a chance to verify the accuracy of what is written in the statement.

- **Acceptable to state when answer not known**

Clarify to witness that it is ok if they cannot remember or do not know a particular piece of information.

- **Right to ask for short break**

Tell the witness where the bathroom facilities are; offer them water and explain that they can ask for a short break if they need it. You should also ask if there are any other problems you can help with that might interfere with the interview: e.g., if the driver has to drive the representative to an appointment in half an hour's time, offer to have the interview rescheduled or to find an alternative solution.

Lack of cooperation, fraud, malicious reports and concealment of facts or evidence can lead to disciplinary measures for staff witnesses.

2. Free narrative

- “Do you know why we are here today?”

- “I understand that there have been some problems in the office. Have you encountered anything like this?”
- “Tell me about that...”
- “I wasn’t there and I’m not allowed to assume or guess anything so tell me about it in your own words.”
- “If you could tell me about that and try not to leave anything out...”
- “I understand that this might be difficult, but it is important because...”

Remember:

Avoid interrupting or clarifying ambiguities. Have an “active listener” posture. Elicit more information by repeating key phrases used by the witness. Offer prompts that relate to the witness’ account only – not to other witnesses’ evidence. Work at the pace of the interviewee. Do not give positive or negative feedback. Beware of unintentionally communicating approval or disapproval through facial expressions and voice inflections.

3. Questions

- Open questions (designed to elicit further information)
 - “Describe for me the exact events surrounding... (for example, collecting the girls and taking them to the guest house)”?
 - “Please tell me the full names and give physical descriptions of the individuals involved.”
 - “Tell me what was said.”
 - “Who saw this?” [this question reads like a closed question, but it likely to elicit further information so can be considered an open question]
 - “Whom did you talk to about this?” [this question reads like a closed question, but it likely to elicit further information so can be considered an open question]
- Closed questions (designed to clarify something you already know or to specify some earlier information – usually involves a “yes” or “no” answer or one piece of information)
 - “What is that person’s name?”
 - “Did you personally witness these events?”
 - “Were you in the car at the time?”
 - “Do you have this instruction in writing?”
 - “Did anyone else see this?”

4. Summary and closure

- “I am going to sum up now, please tell me if I get anything wrong.”
- “I have summarized what I think I heard you say. Did I leave anything out? Would you like to correct anything?”
- “Do you have any questions for me?”
- “Let me explain what will be done with the information.”
- “Thank you for your time.”

Remember:

Check with second interviewer (recorder) if there are any outstanding matters before you summarize. Summarize what the interviewee has stated in his/her words. Answer any questions s/he may have.

Witnesses with Special Needs

Witnesses with fear of authority

- Fear of authority may result in phobias, panic attacks or fears of persecution. It will be important to consider how this may impact upon questioning in terms of style, rapport, information giving, etc.
- If a witness has a fear of authority, s/he may require support from trusted individuals to enable them to participate effectively.
- Also, such witnesses may wish to please the interviewer by giving information they think the interviewer wants to hear. It is important to reassure the witness that they should feel free to say if they don't know or are unsure of something.

Witnesses with learning or intellectual disabilities

- Early assessment of needs is required, and professional advice should be sought when possible. For example, people with learning difficulties may have difficulties with language skills or other skills, or they may have a shorter attention span.
- Support prior to, during and post-interview must be considered.
- The issue of consent should also be considered given that the witness must understand why they are being interviewed and give their consent to participate.
- Remain calm, as the witness may become concerned by emotion or shouting.
- Be aware that unfamiliar sights, sounds and people may make the witness afraid.
- Do not sit with your back to the light, and minimize any background noise.
- Close physical contact may cause stress to the witness.
- Direct eye contact may not be comfortable for the witness.
- A familiar environment may be the best place for the interview.
- Witnesses may be afraid of authority figures.
- If the witness has language difficulties, s/he may require assistance to understand your questions.
- Consider using alternative materials, such as pictures.
- Words that sound similar may become confused.
- Keep sentences short. Do not include more than one concept in a sentence.
- The witness may be more vulnerable to leading questions.

Witnesses with physical disability

- Consider access requirements and how the witness will be able to get to and from the interview site.
- A caretaker may be required to attend for physical assistance or an interpreter/intermediary if they have speech impairment and/or hearing loss.
- If the witness needs a supporter to assist, explain the role of the supporter to both witness and supporter.
- Build in additional rest and refreshment periods.

Interviewing Children

When interviewing a child, whenever possible, take a verbatim record of the interview rather than making a summary of the most important points.

Good practice basics

- Consent to interview children must be obtained from the parent or guardian, and the child must also assent. For more information about obtaining consent and assent with children, see *WHO ethical and safety recommendations for researching, documenting and monitoring sexual violence in emergencies* (WHO, 2007), available at http://www.who.int/gender/documents/OMS_Ethics&Safety10Aug07.pdf
- Children as witnesses and/or victims are extremely vulnerable, and these interviews must be managed carefully and with greater sensitivity than with adult interviews.
- If there is no one on the interview team with expertise in interviewing children, it may be appropriate to seek professional assistance with the child interview(s) from someone in the setting with the requisite skills (e.g., a child protection officer or other professional in a children's program in the setting). This is a decision that must be discussed with the person managing the investigation for the organization.

Preparation of children for interview

- Explain role of interviewer to the child.
- Explain purpose of interview (without detailing with the nature of complaint).
- Seek permission for child's information to be included in report.
- Explain the concept of confidentiality and who will see the information in a way a child understands.
- Explain "ground rules" of interview.
- Brief any supporter about his/her role.

Engage and explain/rapport

- State day, time and place of interview for the record.
- Introduce everyone present and explain what everyone is doing (e.g., the supporter).
- Explain why the child is being interviewed, without specifying the nature of the complaint (e.g., the interviewer has been told that something has happened to the child and it is the interviewer's job to find out what happened).
- Discuss neutral topics and reassure the child that they have not done anything wrong.
- Use open questions.
- Assess the child's ability to participate in the interview and their ability to understand.
- Inform the child that:
 - the interviewer was not there at the time of the incident and therefore needs the child to tell him/her what happened.
 - if the interviewer asks questions the child does not understand, the child should feel free to say so.
 - if the child does not know the answer to a question, it is ok to say that s/he does not know the answer.
 - if the interviewer summarizes the child's account incorrectly, the child should say so.
- Explore the child's understanding of what is the truth and what is not the truth.

Account/free narrative

- Ask the child to describe what happened in their own words.
- Use active listening skills.
- If appropriate, use other mediums, such as drawing, figures, modeling clay, etc.

Clarification/questions

- Remind the child of the ground rules (in explain/rapport section).
- Keep questions short and simple.
- Use child's vocabulary.
- Begin with open ended questions.
- Move on to specific questions (use "who," "what," "where" or "when" and avoid use of "why" questions).
- Stay focused (e.g., gather all the information you need on one topic before moving on to another, do not move from incident to incident and back again).
- Try not to repeat questions.
- Don't ask about things that the child does not understand (e.g., time, height, weight, age etc).
- If you need to use a closed question, clearly restate to the child that if s/he do not know the answer or is unsure s/he should say so.
 - Do not ask a leading question unless it is absolutely necessary (i.e., if you do not to ask it, the child's safety or the integrity of the investigation may be compromised).
 - Where a child responds to a leading question with information not previously known or referred to, revert to open or specific questions.
 - Be aware that if you give child two options in a question, they will often repeat the last option. For example, if you ask "Was the car black or blue?" they will answer "blue."

Closure

- Check that any second interviewer does not think that any more questions need to be asked.
- Summarize the information given by the child using the child's words.
- Answer any questions from the child.
- Thank the child for their time and effort.
- Tell the child whom they can speak to if they have any problems.
- Return to the rapport phase.
- State time of end of interview.

Evaluation

- Do not interpret the child's behavior as a reliable indicator of the accuracy or otherwise of what they have said. Instead, consider:
 - what information has been obtained.
 - how the account fits with the other information/evidence.
 - whether any action needs to be taken and, if so, what.
 - what further enquiries need to be undertaken.
 - your performance (including how you can develop your skills).
 - the fact that children are vulnerable and easily intimidated.

Handout: Investigation Planning Tool²

This document is designed to assist you to plan your investigation. However, every investigation is different, so it is not exhaustive.

Consider the following:

A. What is/are the allegation/s? Is an investigation needed?

- i. What breach of the Secretary-General's Bulletin or your organization's code of conduct does the allegation refer to? Rewrite the allegation to reflect the breach in the language of the code of conduct/SGB.
- ii. Is further information required to decide whether the complaint is appropriate within your organization's procedures?
- iii. Does the complaint meet the criteria for investigation under *IASC Model Complaints and Investigation Procedures*? [Yes, No, why?]
- iv. In what order should the allegations be addressed?

Table 1

Allegation	Is an investigation needed?	Priority
1.		
2.		
3.		
4.		
5.		

B. What rule(s) is/are violated by the alleged misconduct?

- i. Staff code of conduct (reference).
- ii. United Nations Secretary-General's Bulletin (section).
- iii. What elements must be proven to establish violation?
- iv. Illegal act → host country
→ country of origin

Identify specific elements of the rule that must be shown to have occurred to state the rule has been violated

Table 2

Alleged violation	Law	Specific elements to be proven
e.g., Sex with a child	SGB	Victim is under 18
	Staff code of conduct	Sex occurred

C. Timeframe?

1. When did the incident/alleged abuse occur?
2. When was the incident first reported?
3. When did the investigator receive the complaint?
4. Are these timeframes relevant to the investigation? For example, has a significant amount of time passed that will make the investigation difficult? Are the allegations of extremely recent events?

² Planning Tool from *BSO Handbook: Training materials on receiving and investigating allegations of SEA by humanitarian workers* (ICVA). This tool is useful as a companion to the Investigation planning tools in Annex B of the *BSO Guidelines: Receiving and investigating allegations of abuse and exploitation by humanitarian workers* (ICVA).

5. Set timeframes for each stage of the investigation to ensure completion (without prejudice of quality) at the earliest opportunity.

D. What documents will the investigating team need to gather?

- i. As background information on the investigation?
 - o contract of service
 - o alleged subject of complaint job description
 - o description of project
 - o organigram/staffing table
 - o correspondence between agencies
- ii. As evidence?
 - o work logs/rosters, leave requests
 - o emails, photographs
 - o stockpiles of rations, ration books

In planning the compiling of evidence, investigators should bear in mind the need to seek and evaluate evidence that might support the complaint and evidence that might refute it. Investigators should conduct interviews in a “neutral” frame of mind, i.e., they should neither assume guilt nor innocence on the part of the subject.

E. Confidentiality

It is essential that the plan address how to keep the identities of both the victim and the subject of complaint confidential. This includes:

- i. Only disclosing identities to those who “need to know.”
- ii. Accessing interpreters in such a way as to maximize confidentiality.
- iii. Carefully considering how the confidentiality of the complainant in particular is to be preserved when informing the subject of the nature of the complaint. There are potential conflicts of interest in such situations.
- iv. The subject needs to know the details of the allegation if s/he is to have an opportunity to respond.

However, paramount consideration must be given to ensuring the safety and security of the complainant and the victim/survivor – this must take precedence. This may entail the investigators exercising great care in the presentation of evidence.

F. Who will have to be interviewed?

- i. Are the witnesses available?
- ii. Who is to be interviewed?
- iii. In what sequence? Be flexible, as interviews might reveal the identities of other witnesses who should be interviewed. As a general rule, the sequence should be:
 - o complainant
 - o victim(s) – if different from above
 - o witnesses – if any exist
 - o subject of complaint (SOC)

Table 3 gives an immediate way to view and organize who needs to be interviewed. For each witness, complete the following as part of the plan:

Table 3

Name	Role in Complaint	Age	Language	Interpreter needed	Health needs	Protection needs	Location	Priority order
John Smith	Victim	12	English	No	✓	✓	School Nairobi	2

G. Record keeping

- i. All records and reports should be made anonymous via the removal of names and substitution of witness A, witness B, subject A, etc.
- ii. All records should be kept in a locked filing cabinet accessible only by investigators. Files should not be taken out of the office. If an investigator wants to work on documents at home or in another location, it is good practice to take a copy of the relevant document, note the copy on the file and destroy the copy once the report is written.
- iii. Documents should not be shared with anyone outside the investigation team.
- iv. Whenever possible, an investigation report should be written up within 28 days of the completion of the fact finding phase. If this is not possible, a note to the file should outline the reasons.
- v. Avoid using abbreviations in the report unless these are explained. The language of the report must remain neutral.
- vi. An investigation report must be signed and dated by the investigator and co-investigator/observer. However, the organization for which the investigator works will be considered the author of report.
- vii. Organizations must take a policy decision on how long to keep records related to investigations. If an investigation cannot prove misconduct, then the documents can be discarded after seven years (similar to obligations regarding financial documents). However, if the investigation finds that misconduct has occurred, a record of that finding should be maintained until the subject of complaint reaches retirement age.

H. Prepare and record interviews – (complete one for every interviewee)

Name:

Role in complaint:

Child/adult/age if known:

Use of interpreters:

- i. Is an interpreter required?
- ii. How will an interpreter be found?
- iii. Who will it be?
- iv. How can the confidentiality of witnesses and the subject be maintained?
- v. Any other communication needs?

Witness protection: are there immediate safety needs of the victim/s to be considered?

- i. Is witness protection needed?
- ii. What are the risks?
- iii. What resources are available to meet these needs?

Health needs:

- i. Is urgent medical attention indicated?
- ii. What other health needs are there?
- iii. Is a forensic medical examination possible/needed?

Other witness needs:

- i. Additional support or counseling?
- ii. Help to understand the criminal justice implications and make an informed view as to whether s/he wishes to make a complaint.
- iii. How will this interviewee be kept informed of the progress and outcome of the inquiry?

Subject of complaint (SOC) needs:

- i. What “duty of care” responsibilities does the agency have?
- ii. Should the SOC be suspended, with or without pay, or moved to other duties, while the investigation is underway?
- iii. How will the SOC be kept informed of the progress and outcomes of the inquiry and the expected time frame?

Location of interview:

Interviews need to be conducted in a location that is suitable and protects confidentiality.

I. Who will be the investigating team?

It is best practice to always conduct investigations with a co-investigator. Who will this be? If it is not possible, it is crucial to have an observer at all interviews.

- i. manager
- ii. interviewer 1
- iii. interviewer 2
- iv. interpreter (if necessary)
- v. specialists, e.g., IT technician, legal advisor

J. Resources

What will the investigation cost in terms of:

- i. people
- ii. money

K. Strategy discussions and meetings

- i. Who needs to be involved?
- ii. How will this happen?

Session 5. Investigation case study

Aims

Using a real case example, participants will:

1. Practice developing interview plans for witnesses that are based on information available
2. Practice interviewing witnesses, following the 4 stages of interviewing

Time

4 - 4 1/2 hours

10:30am	KIDAID Case Study: Prepare for Interview 1. Examination of Investigation Planning Tool
11:00	Interview 1
11:30	Debrief with Actor, Feedback on Round 1 Interview
12:00pm	Tea break
12:15	Plenary Feedback
12:30	Lunch
1:30	Prepare interview 2
2:15	Interview 2
2:45	Debrief with Actor, Feedback on Round 2 Interview
3:00	Plenary feedback
3:30	Prepare for SOC Interview
3:15	Interview 3: the SOC
3:45	Debrief with Actor: Feedback on SOC interview
4:15	Tea break
4:30	Table groups: FINDINGS

Materials and Preparation

- 📄 Note – there is no PowerPoint for this session.
- 📄 Flip charts and markers sufficient for each group
- 📄 Identify groups for the case study teams: ideally, 5 teams of 4 people. A smaller number of teams may be necessary, depending on the size of the group.
- 📄 Prepare copies of the Case Study Instructions, including interview schedule, adapted as necessary for the number of teams you will have.
- 📄 Identify breakout space as needed for this activity.
- 📄 Three actors (not participants) to role play as interviewees Magdalena Jolie, Garth Vador, and Barry Glitter (assign each a part to play and provide instructions as indicated in handouts). In addition, each of the three actors will play the part of Jack Michaelson during the final interview.

Detailed Facilitator's Notes

1. Organize and provide instructions (30 minutes)
 - Ask participants to take out the case study; verify that everyone read it and became familiar with it last night.
 - Hand out Case Study Instructions, including the interview schedule.
 - Explain that there are two primary aims for this exercise and write on a flipchart:
 - To practice gathering information by following the four stages of interviewing

- To practice developing an interview plan based on information available at the time
- Explain the procedure for today by going through the instructions handout, the schedule, and the interview schedule. Answer any questions, provide clarifications as needed. Be sure everyone understands the assignment and the importance of staying on time.
 - Emphasize again the two aims for the exercise.
 - It is more important to have the practice; it is less important to completely finish each interview.
 - Acknowledge that there is probably insufficient time to completely finish every interview.
- Break participants into teams and assign work spaces in meeting room and break out rooms.
- Ask participants to take a 15 minute break and then start working in their interview teams.

Interview Schedule:

<i>Time</i>	Magdalena Jolie	Garth Vador	Barry Glitter	Jack Michaelson
11:00-11:45	Team A	Team B	Team C	
1:30-2:00	Team C	Team A	Team B	
3:45-4:15				Team A Team B Team C

2. First interview (total 1 hour 30 min.)
Following the instructions handout and interview schedule provided, each team uses this time to:
 - Prepare for first interview (15 minutes) – using the Mr. Glitter example in Instructions Handout as a guide to follow for each interview
 - Conduct the interview (30 minutes), 11:15-11:45 am
 - Discussion, feedback, findings (15 minutes)
 - Preparation for next interview (15 minutes)
3. Lunch break
4. Second Interview and discussion (1 hour)
 - Conduct the interview (30 minutes), 1:30-2:00 pm
 - Discussion, feedback, findings from both interviews
 - Teams should be prepared to give a very short summary of key findings from each interview
5. Plenary discussion of preliminary findings (30 minutes)
 - Explain that all teams will not be interviewing all witnesses, so this time now is to be used to share information gathered so far. Ask each team to summarize key findings from one of the interviews they have conducted so far:
 - Ask Team C to summarize key findings from interviewing Mr. Glitter
 - When they are finished, ask Team B if there are any details to add
 - Ask the actor playing Mr. Glitter if any facts are missing from these summaries
 - Ask Team A to summarize key findings from interviewing Magdalena Jolie

- When they are finished, ask team C if there is anything more to add
 - Ask the actor playing Magdalena Jolie if any facts are missing
 - Ask Team B to summarize key findings from interviewing Garth Vador
 - When they are finished, ask team A if there is anything more to add
 - Ask the actor playing Garth Vador if any facts are missing
6. Interview with SOC Mr. Michaelson (total 1 1/4 - 1 1/2 hour)
- Refer participants to their Instructions Handout and explain that they now have 30 minutes to make a plan for their interview with the SOC.
 - They will then have 30 minutes to conduct the interview
 - Then 30 minutes to discuss findings and feedback from the interview.
7. By 4:45 p.m. at the latest, bring all groups back to plenary to close the exercise.
- Ask a few general questions (seeking very short answers) to help participants look at the bigger picture from the day, such as: How successful were you in conducting interviews using the four stages of interviewing? Do you think you gained a lot of relevant information in your interviews? Which interview was the most difficult for your team?
 - Explain that tomorrow, teams will reconvene to discuss overall findings and try to draw some conclusions. We will also take time tomorrow to self-reflect about our own skills, challenges, and needs for further training or practice.
 - Reiterate the purposes of the day – to practice planning and conducting interviews. Ask if we achieved our purposes today. (Hopefully yes)
 - Close for the day.

Key Messages

- ✦ This session will be successful if the facilitators monitor time closely and keep the teams moving and staying on track and on time.
- ✦ Acknowledge that this is based on a real situation.
- ✦ There are two primary intents for this exercise:
 - To practice following the four stages of interviewing
 - To practice developing an interview plan based on information available at the time
- ✦ It is not important for all interviews to be complete and finished; it is more important to stay on time.
- ✦ If interviews are incomplete and participants do not have the full story, the facilitators or actors can fill in any key missing information.
- ✦ Facilitators should roam from team to team, listening to interviews and discussions. Tomorrow, when the case study findings and outcomes are discussed, it will be good for the facilitators to understand how well each team functioned, as well as skill levels of participants in each team – to provide feedback about the teams' findings.

KIDAID Case Study

Instructions

Please read the entire case study and be prepared to work with it tomorrow, as you and your team prepare for and conduct witness interviews. Feel free to underline and highlight text and make notes as you deem necessary so that you can be ready to work tomorrow.

Characters

Main Characters		
1.	Jack Michaelson	KIDAID deputy representative, subject of complaint
2.	Barry Glitter	KIDAID senior driver, mostly drives for Mr. Michaelson
3.	Delilah	Co-owner of <i>The Pussy Cat Club</i>
4.	Garth Vader	Security guard at KIDAID's compound, contracted to MYB security company
5.	Magdalena Jolie	Mr. Michaelson's privately contracted house keeper
6.	Elvira Presley	KIDAID country representative
Minor characters		
7.	Clarke Kent	KIDAID assistant field safety advisor
8.	Simon LeBon	OCHA representative
9.	Betty	Ms. Jolie's daughter
10.	Paul Lennon	Friend of Mr. Michaelson and colleague and mentor of Ms. Presley
11.	Mr. Minogue	KIDAID administrative officer

The complaint

You are working for KIDAID at their headquarters in New York. KIDAID is an implementing partner for the United Nations Organization for Coordination of Humanitarian Affairs (OCHA) in Namibia promoting sport for children in crisis as a way of carrying out child protection activities.

On 1 April 2005, officials of OCHA, Namibia, telephoned the KIDAID country representative, Elvira Presley, and told her that they had received information from the local police concerning a KIDAID international staff member, Jack Michaelson. According to the local police, Mr. Michaelson was reportedly seen on several occasions behaving in a drunken and disorderly manner in a nightclub in the red light district of Windhoek, in July and August 2004. As the deputy representative in Windhoek, Namibia, since March 2004, Mr. Michaelson handles all child protection issues for KIDAID in Namibia. OCHA officials have also reported to the country representative of KIDAID that Mr. Michaelson has been seen picking up prostitutes in a KIDAID car and taking them to his rented home. OCHA officials have said that the KIDAID vehicle used by Mr. Michaelson is not usually driven by him, but by another individual who has not been identified. This person usually picks up a local prostitute and brings her to Mr. Michaelson's house. After two hours, the same (unidentified) individual brings the prostitute back to a bar in the red light district of the city.

Ms. Presley immediately reported this information to KIDAID HQ. She is concerned about the implications of this information, not only in relation to Mr. Michaelson and his safety, but also for KIDAID's image in Namibia, particularly if the police were to alert the local press. She says that the local police are corrupt and the media will pay for scandalous stories about aid workers. She has asked KIDAID HQ in New York to conduct an investigation, as she claims that it would be difficult for her to investigate allegations related to a colleague in her office. She has also

suggested that she could cut the deputy representative post on the pretext of budgetary constraints and then recreate a post of assistant representative in 6 months time.

You have been assigned to investigate this case. You will be going to Windhoek in seven days.

Investigation planning

There is insufficient information thus far to form a view on the allegations. It is important to remain objective and to avoid drawing conclusions at this early stage. There might be many explanations for the complaint, including police corruption. However, enough information is provided to warrant an investigation.

The information currently available would not usually warrant any action against Mr. Michaelson (suspension, etc.) at this time. The subject of complaint (SOC) should only be suspended if there is a danger that the staff member might tamper with evidence, intimidate witnesses or if there is a credible security threat, either against the subject of complaint or a witness/victim.

It is important to remember that, while it is a matter of organizational policy about when to inform the SOC, best practice is **NOT** to inform the subject until later in the investigation. Informing Mr. Michaelson at this early stage could jeopardize the investigation. Alternatively, if you discover there are no grounds to continue the investigation or that the allegations are totally unfounded before you interview the SOC, it could cause unnecessary stress to that staff member to learn they are being investigated.

Issues for investigation

- The allegations against Mr. Michaelson are a clear violation of the Secretary-General's Bulletin (SGB). If Mr. Michaelson is indeed "picking up prostitutes," he is violating section 3.1 and 3.2 (c) of the SGB. KIDAID is an implementing partner for OCHA, and therefore bound by the SGB.
- The possibility of another staff member from KIDAID or other organizations being involved should also be investigated.

Specific rules allegedly violated

- Possible exchange of money for sexual services (SGB section 3.2 (c))
- The prostitutes may be under 18 years (SGB section 3.2 (b))
- Depending on the staff rules of KIDAID, possible misuse of vehicles and abuse of power by involving lower ranking staff members in the picking up and driving around of prostitutes

Issues not significant to the case

- Ms. Presley's unwillingness to conduct the investigation herself: since KIDAID is a small organization, it may be very difficult for her to conduct the investigation and remain neutral and/or transparent, which is why she has requested outside investigators. Moreover, she may not have the proper skills to be an investigator.
- Possible breaches of religious decrees: It is not for investigators to decide if religious decrees have been broken unless specific reference is made to these in your organization's code of conduct. This investigation will focus on whether the SGB or the organization's code for humanitarian workers and the laws of the country have been violated.

Documentation to gather before arrival in Windhoek

- SGB
- Code of conduct for KIDAID employees (if it exists)

- Copy of relevant national laws translated to English (e.g., if indeed it is illegal to use drugs and visit prostitutes)
- Mr. Michaelson's resume/job duties/job evaluations
- KIDAID staffing table
- KIDAID project information
- Vehicle logbook
- Police reports
- Reports from OCHA, if available
- Visitor logbooks from guards at Mr. Michaelson's premises
- Leave and absence sheets for Mr. Michaelson
- Official telephone records

Requests to KIDAID country representative to facilitate planning

- A confidential, locked database and cabinet to which only the investigators have access
- Ms. Presley to maintain confidentiality concerning the case and that other staff members should only be told details on a "need-to-know basis"
- Arrangements made for confidential interview locations
- Names of the OCHA representatives who made the complaint (for interview purposes)
- General information on the country/city, such as national laws, e.g., whether prostitution is illegal in Namibia and, if so, the national authorities may need to be informed of the investigation

Practical considerations

- Estimate the length of time you need to be on site in Namibia and your budget.
- Prepare a list of possible interviewees and of the order in which they should be interviewed. It is important to keep this list flexible as certain witnesses may provide names of others who may have information to contribute to the investigation.
- Send your tentative schedule of interviews as early as possible so that the country representative can ensure that KIDAID staff are available for interviews and not on leave or on mission.
- Organize interpreters if needed.
- What equipment will you take with you?
 - Tape recorder and appropriate adaptors and tapes
 - Cameras (remember it is important to visit and document the locations of where the alleged abuse took place to assess if it is even possible)
- Investigation report materials; i.e., record of interview and confidentiality forms
- Laptop and mobile phone

General comments

- It is important to remember that you are not investigating an individual. You are investigating an allegation of an incident. Do not personalize or prejudge the findings.
- You should involve a second investigator to ensure transparency, confidentiality and efficiency. Consider composition of team, i.e., gender, ethnic background, etc.
- When conducting the interview, the order should be:
 - Complainant
 - Victim(s)
 - Witnesses
 - Subject of complaint

Arrival in Windhoek and Starting the Investigation

Upon your arrival in Windhoek, you request a security briefing with the KIDAID senior security advisor, Mr. Clarke Kent. You then meet with Ms. Presley, the representative, who provides you with some basic information about the KIDAID office in Windhoek, the KIDAID activities, the staffing structure and Mr. Michaelson's responsibilities. She tells you that KIDAID has only been working in Namibia for five years. Ms. Presley repeats the information she already reported to HQ.

You then meet with Ms. Presley's contact at OCHA, Mr. Simon BeLon. Mr. BeLon restates what he had told Ms. Presley. He explains also that the authorities want to keep the matter informal with KIDAID, as they do not want this situation to affect the image of KIDAID or to jeopardize on-going cooperative projects. Mr. BeLon thinks that KIDAID should deal with this problem discreetly and quickly. Thus far, nothing has been reported in the local press.

Mr. BeLon provides a detailed description of the car used by Mr. Michaelson: a KIDAID Toyota with the plate number CD007. He tells you that he has no information on the "unknown driver," nor does he have any concrete information about the dates or times the KIDAID car was reported in the red light district of Windhoek with Mr. Michaelson and the "unknown driver." He does not know the name of the bar where the prostitutes are picked up and dropped off and he wonders if some of the prostitutes are younger than 18 years old. The local police have also told OCHA that when the "unknown driver" takes the prostitutes to Mr. Michaelson's house, he parks the vehicle inside the compound in which Mr. Michaelson's house is located. The driver reappears from inside the property two to three hours later when he takes the prostitutes back to the nightclub.

It is not yet clear to you whether the Namibian authorities are investigating the drunk and disorderly allegation alone or whether they are also interested in allegations that Mr. Michaelson is seeing prostitutes; prostitution will soon be legalized in Namibia. They claim that they do not have Mr. Michaelson under surveillance, as the case is not a priority for them.

As a first step, you decide to identify the "unknown driver." You have asked Ms. Presley to provide you with the original logbook of vehicle CD007 and you intend to examine it tonight at your hotel. You now want to better plan the second day of this investigation.

Review of evidence gathered on the first day

The information that has been collected during your first day of investigations is still insufficient to draw a conclusion. It is important to remain objective and open-minded. There is no new information to suggest there is a risk of Mr. Michaelson tampering with the evidence and therefore no reason to suspend or cut his post.

Your co-investigator must still be named. Due to budgetary constraints, organizations often cannot afford to send more than one investigator on mission to conduct an investigation, but good practice requires a second investigator or at the very least an objective witness on the investigation team. Mr. Kent is a good candidate for the position of co-investigator. Security advisors are often former police officers and have good investigation and interviewing skills. Alternatively, you might consider asking the KIDAID legal officer to assist you, if one exists. Ask Ms. Presley to release whoever you select as co-investigator; being aware that this may cause workload difficulties for the office.

Security briefing with Mr. Kent

Security advisors often have good contacts in the duty station and good relationships with a variety of staff and partners. Mr. Kent may have provided you with a feel for the situation in the city. Security advisors frequently know if the local mafia are running the red light district or certain bars in the area. Moreover, Mr. Kent should have been able to provide you with information about the relationship between KIDAID and the local authorities/police, as well as whether the government might be targeting KIDAID or international NGO staff for any reason. Depending on how you assessed the situation once you met with him, you may have decided to divulge information concerning the investigation to Mr. Kent: he may be a great help even if he is not a co-investigator. He could also provide you with:

- information on security issues relating to the conduct of the investigation, e.g., security measures that should be in place for witnesses/subject
- situational as well as cultural information, e.g., whether “organized crime” is involved in prostitution or running the red light district
- communication information, including list of official/important contacts in Windhoek
- risks to KIDAID/affiliated organizations/individuals if media or the public becomes aware of the investigation
- if security clearances will be needed within or (if necessary) outside of Windhoek
- his views on the KIDAID drivers, e.g., their contacts

Naturally, he would be required to sign a confidentiality agreement.

Meeting with Ms. Presley

What would you say during your meeting with the Ms. Presley regarding your investigation plan? Are there some specific issues that you should discuss with her?

Information control and confidentiality

- Remind her of the importance of confidentiality and informing staff only on a “need-to-know” basis.
- Explain that, due to the confidentiality of the role of investigator, you will not be able to keep her briefed on the details of your findings, but your own supervisor will brief her.
- Explain that she should not speak to the media if they question her until you have come up with a media strategy together and had it approved by HQ.

Investigation procedure

- Review the summary investigation plan with Ms. Presley so that she is aware, in general terms, of what will be taking place while you are conducting the investigation.
- Offer to do an exit interview before you leave Windhoek to explain the next steps.
- Inform her that she should not suspend or cut Mr. Michaelson’s post at the moment, as not enough evidence has been collected to prove the allegation. Moreover, no mention of the investigation should be made to Mr. Michaelson, his driver or KIDAID staff at this stage.

Practical assistance/information

- Request her help in identifying secure locations to conduct interviews.
- Ask her to arrange the interviews and interpreters, if not already done.
- Request her cooperation in obtaining documentation and a locked cabinet to store documents pertaining to the case. It may be best not to have the cabinet in KIDAID’s office.
- Ask her about KIDAID policies, procedures and common practices relevant to the investigation, including how compensation for overtime work is managed.

- Ask if there are measures that should be taken to protect the subject of complaint (as victims are unknown at this point).
- Ask her about KIDAID's office policies and common practices regarding vehicle use. Can staff use vehicles for personal matters?

It is not important to discuss why Ms. Presley was unwilling to conduct the investigation, but perhaps ask her why she thought an investigator from HQ would be more appropriate than someone working locally – this could trigger answers that may help the investigation and give an idea of the security situation.

Was it appropriate to collect the logbook of vehicle CD007 after your meeting at the OCHA?

- It is **not** good practice to ask for the logbook of CD007 and not the logbooks of the other vehicles, as this may raise suspicions about the driver in question when it is important the investigation remain as confidential as possible; if only logbook of CD007 is collected, the driver of this vehicle or Mr. Michaelson may become aware of this request and tamper with evidence.
- It would be better to ask for the logbooks of all vehicles, for a given timeframe, **before** your arrival to Windhoek. In this case, the logbooks should be obtained from March to September 2004 to cover the period when Mr. Michaelson was allegedly acting inappropriately.
- You should ask Ms. Presley to approach the administration coordinator to provide the logbooks for the investigation. Ms. Presley's permission, however, is not necessary. Review the logbooks with your co-investigator and be in a secure environment to ensure confidentiality. Do not take the original logbooks offsite. If you want to examine them outside the office, then it would be preferable to copy the relevant pages and secure the originals.

Identify the information gaps between the report given to you by OCHA and Ms. Presley

The police's actions and statements do not correspond. The police say that they are not conducting surveillance and that the case is of a low priority; however, they know the license plate of the car, the location where the women are picked up and dropped off in the red light district, etc. Their inconsistencies should be kept in mind and discretion used when reading their reports and/or conducting interviews with them. Hopefully, Mr. Kent will have information on the allegations of corruption made against the police by Ms. Presley.

- Ms. Presley was not provided with as much detailed information by OCHA as you, such as the license plates of the car and that the prostitutes may be younger than 18 years old.
- The chain of reporting is somewhat surprising – that the local police would directly contact OCHA.
- Does Ms. Presley have any suggestion as to why this happened?

Are there any other documents that you need?

- Dossier on Mr. Michaelson and his home address
- The code of conduct for KIDAID workers, if it exists
- The police report
- Written and signed reports from OCHA witnesses
- Other relevant logbooks and documentation from KIDAID
- Information on KIDAID drivers and their schedules
- Extracts from relevant Namibian national laws
- KIDAID's standard operating procedures
- Duty roster for guards (guards may have been contracted through a separate company, so permission to interview them may have to be obtained from their manager, especially if that company has a confidentiality clause for clients)

- Permission to interview the guards from the guards' manager or owner of the security company. It is important to do so without disclosing information regarding the investigation, i.e., "I am doing some research on some possible irregularities at KIDAID."

Preparing for Interviews with Mr. Glitter and Security Guards

It is not appropriate to interview the five security guards and Mr. Glitter. A better approach would be to interview three guards and three drivers. Before the interviews, you should collect information on the shifts of the security guards to determine who will be able to provide the relevant information. For example, the security guard(s) who work(s) the weekend shifts will know who uses KIDAID vehicles during those times, who the driver of CD007 is and s/he may be able to confirm whether Mr. Michaelson brought prostitutes to the KIDAID office. Once you have ascertained who this guard is from the staffing schedule/roster you should select an additional two guards to interview as "cover."

You should then try to determine:

- if there is a designated driver of vehicle CD007 and if so, who
- if drivers work mostly for one staff member and if so, whether Mr. Michaelson has a driver
- if a driver registered vehicle CD007 for personal use during evenings from March 2004 to March 2005

Some of this information can be gathered through an interview with Ms. Presley and through close inspection of the vehicle logbooks. Analysis of logbooks should be completed to determine if they provide more information on the activities of drivers at KIDAID.

If you decide that Mr. Glitter is the unknown driver, it is possible that he is an accomplice – it is alleged that an unknown driver takes the prostitutes from the red light district to Mr. Michaelson's apartment. Once this information is gathered, you will be more prepared for the interview and know Mr. Glitter's role in the investigation (if he has one).

Factors for effective interviews with Security Guards and Mr. Glitter

Interviews should be well-prepared and questions thought out beforehand. All relevant information that can be reviewed before the interview should be analyzed. Also, the investigators should consider the length of the interview and remember to proceed at the speed of the witness. Specific measures and practical considerations:

- Confirm the availability of a secure and discreet location for the interview.
- Agree to a time for the interviews, taking into consideration work responsibilities: e.g., in order to avoid guards and drivers discussing the interviews beforehand, give little advanced notice, but balance this with practicalities and courtesy.
- Decide who will be lead interviewer and who will take notes. If you were not able to appoint a second investigator, then select a reliable support person who has signed a confidentiality agreement.
- Confirm the availability of interpreters, if this was identified as a need.
- Check that you have all equipment and materials, e.g., photograph of Mr. Michaelson for identification, connections for computer.
- Address any safety issues and any cultural, gender, religious or health factors that you identified as needing to be dealt with before each interview begins.
- Do not inform Ms. Presley of the details of the planned interviews. As the country representative she needs to know that you will be interviewing staff, but not specifically who or when.

Explain to witnesses when the interview commences

- The need for confidentiality and that information is given only on a need to know basis. Only KIDAID staff are required to sign a confidentiality statement; for other witnesses you must ask them to maintain confidentiality.
- The importance of the interview and investigation.
- The duty of staff to cooperate and tell the truth.
- Their obligation not to discuss anything about the case with others, including those who were interviewed.
- The purpose of note-taking.
- That it is acceptable to state when answer is unknown.
- Their right to ask for a break.
- The consequences of lack of cooperation, fraud, malicious reports or concealment of evidence.

What are the main differences between the interviews with the guards and Mr. Glitter?

Mr. Glitter	Security Guards
He can provide information on KIDAID policies and procedures, such as a code of conduct specific to drivers, routine procedures for vehicle use, etc.	Guards can report on comings and goings of KIDAID staff, especially during the weekend evenings. They may maintain their own logbooks where residents and guests sign in and out.
He may be involved in misconduct and/or breach of KIDAID's code of conduct through direct involvement in the allegation or by using KIDAID vehicles for private use.	They are most likely neither involved nor possible victims of the alleged misconduct.
He can provide information on relations within the office and his personal relationship with Mr. Michaelson. If he is a friend of Mr. Michaelson, he may give information about him that could be useful to the investigation.	They may have seen passengers in the car with Mr. Michaelson after hours. Also, they may be able to identify or give a description of the passengers
He may be afraid of reprisal or punishment from Mr. Michaelson or KIDAID.	They may be afraid of reprisal or punishment from Mr. Michaelson, KIDAID or the security company they work for.
He may be able to provide specific evidence on the allegation if he is involved in the alleged activities or a personal friend of Mr. Michaelson, e.g., he may be able to give specific dates and/or answer the following questions: does Mr. Michaelson go to the red light district and do prostitutes go to his home?	

Interview Planning – example for interview with Mr. Barry Glitter

Tomorrow, we will work in teams to conduct practice interviews and continue the investigation into this case. The following plan for interviewing Mr. Glitter will help you to formulate similar plans for interviewing other witnesses and the subject of the complaint.

Interview Objectives

- Establish whether Mr. Glitter is involved in the allegation or not;
- Determine whether he is the “unknown driver.”

- Clarify dates, times and places that are relevant.

To do so you will need to determine the following:

- Is Mr. Glitter aware of the code of conduct?
- Mr. Glitter's knowledge about the use of vehicle CD007 e.g., does he know the individual who usually drives vehicle CD007?
- Any further knowledge on the following activities:
 - use and frequency of vehicle use by Mr. Michaelson
 - identity of passengers
 - reason for pick up and drop off of girls, if relevant
- Mr. Glitter's relationship with Mr. Michaelson – is it purely professional or does he know what Mr. Michaelson does on weekends?
- Any other information that he can provide which supports or refutes the allegations.

Information on Hand

What information will you have at hand before interviewing Mr. Glitter?

- Vehicle logbook for CD007, Mr. Glitter's job description, standard operating procedures for drivers
- time sheets, leave and absence forms
- The driver assigned to work for Mr. Michaelson (if he has a driver)
- Mr. Glitter's performance evaluation sheets
- Language abilities (to determine need for interpreter)
- Any physical or mental impairment
- His nationality, religion and ethnicity (to assess any special requirements that should be met during the interview)

Special Measures

Are there special measures that you need to take in relation to this interview? None in particular. As mentioned earlier, protect Mr. Glitter from being singled out and ensure that his safety or position at KIDAID will not be jeopardized as a result of the interview.

Lines of Questioning, Main Themes, Logical Sequence

What lines of questioning do you intend to develop during this interview? Identify the main themes and organize them in a logical sequence.

1. Establishing rapport

- Clarify the purpose of the interview – you are investigating a complaint and think Mr. Glitter may be of assistance.
- Explain the ground rules – see list on interview transcript sheet (confidentiality, obligation to tell the truth etc).
- Engage with Mr. Glitter to gain his trust.

2. Free narrative

- Ask open questions, e.g., *"Tell me about your duties as a driver for KIDAID?"*
- Avoid interrupting or clarifying ambiguities at this stage.
- Prompt by using neutral phrases such as: *"and then what happened?"* or by repeating key phrases *"He asked you to pick up the women in the red light district?"*
- Offer prompts that relate to his account only – not to other witnesses' evidence.
- Do not give positive or negative feedback. Beware of unintentionally communicating approval or disapproval through face expressions and voice inflections.

- Conduct the interview at Mr. Glitter's pace.
- Have an "active listener" posture.

3. Questions

Clarify information Mr. Glitter has already given and help him to give relevant evidence if unable to do so during the free narrative. Follow this sequence of questioning when possible:

- Open-ended: *"How would you characterize your relationship with Mr. Michaelson?"*
- Specific: *"How often did Mr. Michaelson ask you to pick-up the women?"*
- Closed: *"Did you use the KIDAID vehicle CD007 to pick-up women for Mr. Michaelson or not?"*
- Leading (only as a last resort) *"Are these women entering Mr. Michaelson's home?"*

4. Closure

- Check with second interviewer (recorder) if there are any outstanding matters.
- Summarize what Mr. Glitter has stated in his words.
- Ask if he has anything he would like to add and answer any questions he may have.
- Check if he requires any outside assistance.
- Thank him for his time.

What difficulties can you reasonably expect in this interview?

The main difficulty you will face is establishing Mr. Glitter's trust. Without his trust, any account may be inaccurate or incomplete. A lack of trust may have several causes, including his seeing you as a figure of authority and therefore telling you what he thinks you want to hear. Other barriers to a full disclosure of information may include:

- Loyalty to the subject of complaint or others implicated in the allegation
- His own involvement in the allegations
- Fear of reprisal including losing his job because of the information he provides

All of these factors may make him unwilling to cooperate. Therefore, it is important to explain to him the need for the truth during the investigation and to discuss any worries or fears he may have about sharing information.

Remind him of the requirement to keep the information discussed during the interview confidential. You can also assure him that he cannot be sanctioned for cooperating. But be careful he does not take this as an assurance that he is protected from an offence because he cooperated with the investigation.

Plan for Next Steps

Interviews

- ▶ Other drivers if they frequently drive Mr. Michaelson or vehicle CD007
- ▶ Ms. Presley
- ▶ Anyone employed by Mr. Michaelson, e.g., the housekeeper, gardener, etc.
- ▶ Staff members who work with Mr. Michaelson; interview several to avoid singling him out
- ▶ Staff in the bar Mr. Michaelson frequents (if it exists)
- ▶ Others identified during the investigation who may be able to provide relevant information
- ▶ Mr. Michaelson

Police Information

You should also go to the police and collect their testimony of events personally. This should not be a formal interview, as they are providing information on the evidence and information they have gathered.

Documentation/Computer Records

Late in the evening of your second day on the investigation mission, you decide to examine Mr. Glitter's computer. You then produce the following record:

<p style="text-align: center;">KIDAID Headquarters</p> <p style="text-align: center;"><i>This document is protected by the provisions of the KIDAID administrative instructions of 9 October 2003, concerning the confidentiality of the proceedings related to a preliminary investigation conducted by the investigations office.</i></p> <p>REPORT ON COMPUTER SEARCH INVESTIGATION CASE NUMBER: INV/05/001</p> <p>Date: 16 June 2005</p> <p>Location of search: KIDAID Windhoek</p> <p>Subject: Barry Glitter</p> <p>Scope of the search: examination of the desktop computer located in Mr. Glitter's office; review of the KIDAID email boxes assigned to Mr. Glitter and of internet sites consulted using the "history" function.</p> <p>Description of the findings: <i>The search started at 18.35 hours.</i></p> <ul style="list-style-type: none">• "Trash" folder has been emptied of all items.• Incoming emails sent by Mr. Michaelson have been deleted, with the exception of two emails dated 18 February 2005 and 25 March 2005.• A copy was made of the following Word documents on the C drive: Vehicle rotation/referral for maintenance, January – April 2005.doc.• The following internet sites were visited by Mr. Glitter two weeks ago: "hotbar.com", "Namibiangirls.com", and "xtremepleasure.com", <p><i>The search ended at 19.20 hours.</i></p> <p>Name of investigator: <i>Your name</i></p> <p>Name of witness:</p> <p>Signature(s): _____</p>

The following two emails were seized in the desktop computer located in Mr. Glitter's office:

From: Jack Michaelson

To: Barry Glitter

Date: 18 February 2005 3:29:19 PM

Subject: This weekend

Dear Baez,

Sorry, I was so busy today that I had no time to go to your office. As briefly discussed yesterday, I would need your assistance to pick up some friends tomorrow at around 10.00 p.m. Ask Delilah. Call

me on my mobile if you have any problem, do not use the radio. You will have to tell me whether you prefer to have US \$ or local currency this time. Many thanks again. J.

From: Jack Michaelson

To: Barry Glitter

Date: 25 March 2005 4:11:45 PM

Subject: Tonight

"For Your Eyes Only" ha ha

Hey Barry my friend,

Same as last Friday. I hope that you are free. You won't need to wait at my place; I will manage on my own. Thank you again for your assistance as usual. Cheers. J

Two Days Later – Update and Next Steps

Interview with the guards

You have continued the investigation for another two days and collected information from the guards at Mr. Michaelson's residence. They tell you that Mr. Garth Vador is usually the guard on duty in the evenings and weekends so he will have the most information to give you about Mr. Michaelson's guests at those times. However, two security guards confirm that Mr. Michaelson returned twice to the KIDAID office on Friday nights in March 2005 (18 March and 25 March), as he had allegedly forgotten something in his office. The guards stated that two girls (very young looking but age unknown) were sitting in the car and looked to them to be prostitutes. On these occasions, Mr. Glitter was driving.

Examination of the logbooks

When examining the vehicle logbooks, you have noticed that Mr. Michaelson's name does not appear in the logbooks regarding service provided by Mr. Glitter for any private assignment, including 18 February and 25 March 2005. Mr. Glitter has not made any entry for vehicle use after working hours. Mr. Glitter did not report vehicle use for any private services for other KIDAID staff after working hours or during weekends.

Police testimony

You have managed to contact the local police who had originally informed OCHA of the allegations. They confirmed that the club frequented by Mr. Michaelson is *The Pussy Cat Club* and that the owners are Mr. "Basher" Bush and Ms. Delilah. They told you that at this bar men come to pick up prostitutes. Police searches of *The Pussy Cat Club* conducted in April 2005 found illegal gambling, prostitution and children involved in selling alcohol. The police also informed you that this place is now closed as a result of a court order. The police stated that Mr. Michaelson is well known to them and they are worried about KIDAID's reputation in Namibia.

Final Interviews Scheduled

Tomorrow the investigation team will interview the following witnesses. Start planning now.

Ms. Magdalena Jolie, housekeeper

It has come to your attention that Ms Jolie is working as a private housekeeper for Mr. Michaelson at his rented house. You do not know the nature of her contract or the living arrangements but you believe that she might be able to provide information on the allegations of misconduct. You have heard some gossip in the office that Ms Jolie is a woman of "low character".

Mr. Barry Glitter, senior driver, assigned to the deputy representative, KIDAID

After reading the office vehicle logbooks, organigram and work schedule, you are aware that Mr. Glitter is the driver assigned to the subject of complaint and very likely the unknown driver.

Mr. Garth Vador, security guard

You have also discovered that Mr. Vador is the night guard at Mr. Michaelson's residence. Mr. Vador is usually on duty at the time the alleged prostitutes are brought to Mr. Michaelson's private home.

Mr. Jack Michaelson, subject of complaint and deputy representative, KIDAID

Mr. Michaelson will be the last interview for the day. Thus far, Mr. Michaelson is unaware that there is an investigation into allegations made against him, although he suspects something is going on.

Each interview team will interview 3 witnesses, including Mr. Jack Michaelson. Please be thinking about how you should plan for those interviews.

Instructions for KIDAID Case Study and Interviews

10:15-10:45 a.m.	Plenary	Organize the day and go through instructions
10:45-11:00	Tea break, then reconvene in small groups	
11:00-11:15	Small group work in teams	Plan first interview
11:15 a.m.-12:30 p.m.	Small group work in teams	First interview (see interview table) 30 min. for interview 15 min. for discussion, feedback, findings 15 min. planning for next interview
12:30-1:30	Lunch	
1:30-2:30	Small group work in teams	Second interview 30 min. for interview 30 min. discussion of findings from both interviews
2:30-3:00	Plenary	Teams share relevant findings thus far
3:00-3:15	Break, then reconvene in small groups	
3:15-3:45	Small group work in teams	Teamwork: preparation for interviewing SOC
3:45-4:45	Small group work in teams	Interviews with Jack Michaelson (SOC) Discussion of findings; feedback in teams
4:45-5:00	Plenary	Plenary discussion

Interview schedule

<i>Time</i>	Elvira Presley witness	Delilah witness	Magdalena Jolie witness	Garth Vador witness	Barry Glitter witness	Jack Michaelson subject of complaint
11:15-11:45		Team A	Team B	Team C	Team D	
1:30-2:00		Team B	Team C	Team D	Team A	
3:45-4:30						Team A Team B Team C Team D

For each interview:

- Interviewer
- Second interviewer
- Observer
- Observer

Ground rules for success

- ✦ Stay on time. Appoint a timekeeper to help keep your team on time.
- ✦ Keep good notes. Appoint a note taker to keep notes from your team's discussions.
- ✦ Stay organized and share tasks among your team. Draw from the example of Barry Glitter's interview plan (p. 10 in case study and interview format below) as you plan other interviews.
- ✦ Stay focused during discussion and feedback after interviews. Appoint a facilitator.

- ★ Refer to the KIDAID case study for help throughout the day

Sample Interview Outline

Investigation Case Reference Number: INV/05/001

Investigation Officers	
Investigation Officer:	
Investigation Officer:	
Witness:	
Interpreter:	
Person Interviewed	
Name of the person:	
ID verified (Yes/No):	
Nationality:	
Occupation/Title:	
Interview Details	
Date:	
Language of interview:	
Place of the interview:	KIDAID office in Windhoek
Explained to the interviewee:	<ul style="list-style-type: none"> • Duty to cooperate and obligation to tell the truth. • Obligation to refrain from communicating with other persons interviewed in the framework of the same investigation case • Purpose of note-taking • Acceptable to state when answer not known. • Right to ask for short break • Consequences of lack of cooperation, fraud, malicious reports, concealment of fact/evidence • Confidentiality of the investigation procedure

Transcript of the interview *Detailed record of questions asked and interviewee's responses*

The interview starts at: _____ (time)

Q1. Do you have any preliminary questions?

Q2. Are you ready to start the interview?

Q3. ?

Formulate as many questions as you might need to gather sufficient information from this witness.

Q4. Is there something else that you would like to add?

The interview ends at: _____ (time)

This is a true and accurate record of the interview.

For the interviewee: In accordance with the procedure outlined in KIDAID's mandatory reporting procedures of 6 March 2003, I, the undersigned, declare to understand that my statement may be used in a disciplinary procedure and could be shared with staff under investigation, unless KIDAID management advises that this would affect my security.

Date and signature: _____

For the observer to the interview: I, the undersigned, undertake not to divulge any confidential information to which I have had access in the exercise of my capacity as witness/interpreter to the present interview.

Date and signature: _____

Interpreter to the interview: I, the undersigned, undertake not to divulge any confidential information to which I have had access in the exercise of my capacity as witness/interpreter to the present interview.

Date and signature: _____

Date and signature of the Investigation Officer(s):

Actors' Notes – KIDAID Case Study

Main Characters		
12.	Jack Michaelson	KIDAID deputy representative, subject of complaint
13.	Barry Glitter	KIDAID senior driver, mostly drives for Mr. Michaelson
14.	Delilah	Co-owner of <i>The Pussy Cat Club</i>
15.	Garth Vader	Security guard at KIDAID's compound, contracted to MYB security company
16.	Magdalena Jolie	Mr. Michaelson's privately contracted house keeper
17.	Elvira Presley	KIDAID Country Representative
Minor characters		
18.	Clarke Kent	KIDAID assistant field safety advisor
19.	Simon LeBon	OCHA representative
20.	Betty	Ms Jolie's daughter
21.	Paul Lennon	Friend of Mr. Michaelson and colleague and mentor of Ms. Presley
22.	Mr. Minogue	KIDAID administrative officer

Investigation details:

- Complaint made April 2005 by OCHA to Elvira Presley (complaint to OCHA made by local police):
 - Mr. Michaelson behaved in a drunken and disorderly manner in July and August 2004.
 - Mr. Michaelson picks up prostitutes and brings them back to his home in KIDAID vehicle.
 - Unidentified driver picks up prostitutes in KIDAID vehicle and brings them to Mr. Michaelson's home.
 - Prostitutes stay for two hours and driver drives them back to the bar.
- KIDAID vehicle that allegedly is used to pick up/drop off the prostitutes is a Toyota with the plate number CD007.
- Ms. Presley says the local police are corrupt.
- KIDAID has been active in Namibia for five years.

Characters to be interviewed (not all will be interviewed during this role play exercise):

Jack Michaelson

- Mid-thirties
- Australian
- Divorced
- Only child
- Unsure about his sexual orientation
- Worked for KIDAID since March 2004
- May have feelings for Mr. Glitter
- Girls arrive at his place late in the evenings on weekends (around 10 p.m.)

Barry Glitter

- 30 years old
- Namibian
- Lives with his mother, seven brothers and sisters
- Right side of his face droops (disfigured)
- Works almost exclusively for Mr. Michaelson

- Has feelings for Betty

Delilah

- 54 years old
- Namibian
- Co owner of *The Pussy Cat Club*
- Magdalena used to work for her until she began working for Mr. Michaelson, and now her daughter, Betty, works for Delilah

Garth Vader

- 28 years old
- Namibian
- Has a girlfriend
- Security guard for seven years
- Aware of KIDAID's code of conduct

Magdalena Jolie

- 29 years old
- Namibian
- Worked for Mr. Michaelson as a house keeper since April 2004
- Before being hired by Mr. Michaelson she worked for Delilah at *The Pussy Cat Club*
- Mother of Betty
- Has feelings for Mr. Michaelson

Elvira Presley

- 42 years old
- Swedish
- Has worked with KIDAID in various countries since 1990
- Mr. Michaelson and Mr. Glitter's supervisor

Jack Michaelson, subject of complaint and Deputy Representative KIDAID

Mr. Michaelson is a 32-year-old Australian national who has worked for KIDAID since March 2004. He was hired by Ms Elvira Presley, the KIDAID Country Representative in Namibia on the recommendation of her mentor and colleague Paul Lennon, the Director General of WaterAid in Geneva, Switzerland. Mr. Michaelson is a graduate of Ruddock University in Australia. Immediately after graduation, he worked as a statistician for the Australian Public Service in Canberra, Australia, for five years. In 1997, after the break-up of his marriage, he decided he needed adventure and took a job as an "eco" tour guide in Kenya. In 1999, he was hired as regional logistics manager with WaterAid in Tanzania through his expatriate contacts. In 2002, he moved to Bangkok as a community development officer with Feed the Hungry, another small NGO. However, after 11 months, he left Feed the Hungry, as he missed East Africa and wanted to move back. He did a few small consulting jobs in Nairobi until he bumped into his old "drinking buddy" Mr. Lennon, who told Mr. Michaelson of the vacant KIDAID deputy representative position in Namibia.

Mr. Michaelson is the only child of a middle class family. Before retiring, his father was a dentist and his mother a librarian. Mr. Michaelson has always enjoyed working with aid agencies, especially in Africa, where he feels the rhythm of life is less hectic and more relaxed. He does not make friends easily and is not interested in marrying again. Initially he thought this was because his first marriage ended bitterly, but lately he has been attracted to his driver Mr.

Glitter. Mr. Michaelson is starting to question his own sexual orientation as a result and he wonders if he is gay.

Mr. Michaelson's account in the interview

Mr. Michaelson provides a full account of his previous work history. He denies that he is using the services of prostitutes. Initially he does not want to reveal anything about his trips to the red light district of Windhoek and denies that he has ever been there. Eventually, when it is clear that there are witnesses who have seen him in the red light district regularly, he admits that he has several friends in the area who come to his house on the weekend for English lessons. He explains that the "girls" come to his home to learn English, as girls that speak fluent English have access to better clients and are less likely to be injured or abused. Specifically, Mr. Michaelson discloses that there are three girls called Betty, Gladys and Leander taking his English classes. However, he refuses to disclose their identity, as he considers this information part of his private life. He agrees that Betty looks younger than the others but he has never asked them how old they are, as he feels this would be an inappropriate question. He believes that they are older than 18 years old.

Mr. Michaelson admits that when he first came to Windhoek, he was very lonely and did go to a brothel in town with an idea of having sex with a prostitute; however once he had met the woman, Ms. Jolie, he felt bad and offered her a job as his housekeeper instead. He insists that he has never had sex with her and it was her idea to start teaching her former workmates English. He is aware that one of the girls who comes to learn English at his house is Ms. Jolie's daughter. Ms. Jolie did not tell him this, but he worked it out from conversations with the girls.

Mr. Michaelson admits that he used KIDAID vehicles to transport the girls and that sometimes he asked Mr. Glitter to transport them. He gave instructions by email to Mr. Glitter to pick up these female friends in a bar called *The Pussy Cat Club* and paid him in cash for these services. He states that he never instructed Mr. Glitter to destroy any of his instructions regarding requests for vehicles and denies asking Mr. Glitter not to log these private journeys in the KIDAID vehicle logbook.

When asked why he did not reimburse KIDAID for his private use of vehicles for the last 8 months, Mr. Michaelson responds that it was an oversight and that the administrative officer, Mr. Minogue did not remind him.

He strongly denies being an alcoholic and claims that he is being framed by the Namibian authorities for having protested several times against the abuse of refugee children in the local schools and because he has been critical of the way the police treat prostitutes, always arresting them and demanding sex in return for their release while allowing the clients of the prostitutes to get off without any consequences. He claims that he has also been critical of the national authority's attitude towards refugees, migrant workers and child rights.

Demeanor during the interview

Mr. Michaelson is initially offended he is being investigated. As he has always been respected and well liked in his earlier posts, and, until this incident he has had the full support of Ms. Presley, he is astonished that no one came to him first and asked him about the incident. He is shocked that his good work with these women is being misunderstood and angry about being targeted in this way. His body language is defensive (e.g., his arms are crossed across his chest). Once he understands how serious the allegations are, he is helpful but guarded.

Barry Glitter, witness and KIDAID senior driver

Mr. Glitter is a 30 year old Namibian national. He has been driving for KIDAID for five years. Previously, he was a taxi driver for two years and prior to that he trained as a mechanic at a garage called Uncle Ben's Chop Shop. He is 185 cm tall and dark skinned with very short hair.

Mr. Glitter is very pleased to have this great job with KIDAID, as he earns far more than he could in any other local job. He supports his widowed mother and his seven brothers and sisters. When he was young he contracted a virus, which resulted in nerve damage. As a result, the right side of his face droops. He is embarrassed by this as he considers it a disfigurement and the reason that no one has approached his mother with a view to offering their daughter in marriage.

He has worked almost exclusively for Mr. Michaelson since Mr. Michaelson's arrival in Windhoek. Mr. Glitter prides himself on knowing all about his employer and anticipating his needs. He has no hesitation in working overtime with or without compensation and regularly handles private trips for Mr. Michaelson.

He regards Mr. Michaelson as a very fine man who has lots of "girlfriends" who he brings to his home on the weekends. Mr. Glitter has feelings for one of Mr. Michaelson's friends, Betty, who is still young. He often gives Betty KIDAID food parcels to impress her. Mr. Glitter would like to start a relationship with Betty, but doesn't want to upset Mr. Michaelson.

Mr. Glitter has heard the girls talk about Mr. Michaelson and is confused as they talk about "improving their English" and "learning" when they are at Mr. Michaelson's house. He assumes this is slang for some sexual practice.

Mr. Glitter's account in the interview

Mr. Glitter has worked for KIDAID for five years. He says that he is highly regarded and was promoted to senior driver very quickly. He admits to providing private services to Mr. Michaelson, e.g., as doing shopping for him, bringing people to fix appliances in his house and sometimes bringing home some of his female friends.

Mr. Michaelson pays him extra money to bring his "friends" to his home on the weekends. Mr. Glitter cannot describe the women and indicates that he does not know their family names or their ages. He states that he normally picks them up in a bar called *The Pussy Cat Club*, which is located downtown. Mr. Glitter claims that Mr. Michaelson has several women who he meets with regularly and assumes these are Mr. Michaelson's "girlfriends." However, he has never seen Mr. Michaelson touch any of the women. He is aware that these women may in fact be prostitutes who come from Angola or Sudan. He explains that Mr. Michaelson is usually quite generous with him, compared to other international staff members who have asked him for other "private" services and he indicates that he is often paid in cash (U.S. dollars) by Mr. Michaelson.

Mr. Glitter admits that he deleted all emails from Mr. Michaelson from his computer at Mr. Michaelson's request and was also asked not to make any entries in his vehicle logbooks regarding the short trips during weekends or outside of working hours. Mr. Glitter explains that he would increase the mileage in the official duties recorded after the weekend, to account for the difference caused by the trips for Mr. Michaelson. He also says that Mr. Michaelson has asked him to be discreet about picking the girls up at Delilah's place and to bring them inside the compound.

Mr. Glitter confesses that he has given Betty a couple of KIDAID food parcels to impress her.

Demeanor during the interview

Mr. Glitter comes across as worried; he didn't think it was bad to take women to Mr. Michaelson's house, as the women were prostitutes by their own choice. He is horrified that Mr. Michaelson might get into trouble and would do anything to protect his boss. He is extremely remorseful and begs that he not be dismissed, as he is responsible for the care of his mother and siblings. He cannot afford to lose his job.

Additional role play requirements at the close of the interview

When the interviewer starts to conclude the interview and asks if you have anything to add, he raises the following points:

1. Can you guarantee that this statement will not be shared with anyone on the office?
2. Have I done anything wrong? If I have done anything wrong, can you guarantee that nothing will happen to me, as I fully cooperated with the investigation and I cannot afford to lose my job?
3. I have given you more information that I had initially planned to do and I feel uncomfortable telling you anything else.

He encourages the investigator to interview others, but insists that he does not want to speak anymore. Then he stands up and starts to leave the room explaining that he has work waiting for him, so he does not have time to review and sign the statement now. He asks for a copy to take away with him so he can review the statement overnight and return it later.

Delilah, witness and bar owner of The Pussy Cat Club

Delilah is 54 years old and an Angolan national. She became a prostitute when she arrived in Namibia as a refugee. After several years she saved enough money to open *The Pussy Cat Club* with the help of a former client, Mr. Bush. The club is a bar that is licensed to sell alcohol. In addition, Delilah runs a brothel from the bar. Prostitution is illegal in Namibia, but Delilah is a businesswoman and there is no money to be made in running a legitimate bar. She pays the police to stay away and tells the girls to have sex with the police for free to keep them happy. The bar has recently been closed but she is confident that if she pays a bribe it will reopen soon.

She recruits her girls from the rural areas and refugee camps where there is a great deal of poverty. In addition, rural girls are not experienced and accept very low wages.

She knows that three of her girls visit Mr. Michaelson regularly. They claim not to have sex with him but he pays Delilah directly for their time every week. In her view, he is obviously having sex with all three of them. One of the women, Betty, is the daughter of Mr. Michaelson's house keeper, Ms. Jolie. Ms. Jolie used to work for Delilah and made a lot of money, as she was very attractive. After Betty was born Ms. Jolie was desperate to leave the bar and eventually moved in with Mr. Michaelson.

Delilah's account in the interview

Delilah makes it clear that she does not want to jeopardize her business, so initially denies any illegal activity – especially prostitution, as she believes that the “foreign” investigators will report the prostitution activities to national authorities who will punish her and keep the brothel closed. She will not give the names and ages of the prostitutes who work for her or the names of clients.

She tells the investigators to leave her alone as she does not want any trouble from the national authorities. She does not think it is anyone else's business what she does.

However, she is proud of her business achievement and talks about what she has created over the years. Continuously, she states that she is a good person because the women working for her do so willingly and are content with their jobs.

As she is talking about the bar she accidentally admits that Mr. Michaelson is a customer. She eventually tells them that Mr. Michaelson is a regular client but only on the weekends when he is not working. After her "mistake" she states that he is a frequent client, who requests the same three girls each time. She states that the girls go to his home.

When asked further about Mr. Michaelson, she says she does not know him well, as he very rarely comes to the bar. Someone else picks up the girls, a local guy with a funny face. She thinks Mr. Michaelson is an honest and decent man, although suggestions that he has strange social behavior (i.e., why does he pay for the three girls each week if he does not always have sex with them, wondering if he is a "real" man, etc.). She justifies this by asking the interviewers what they expect; a healthy guy from Australia stuck in Windhoek needs to have "friends" and some "fun". Anyway, Mr. Michaelson is a great man who always sticks up for the women and has even been down to the police station to get "his" girls out of jail when they have been arrested.

Demeanor during the interview

At first Delilah is very confrontational and angry. She is very defensive of her bar and worried it will be shut down. She is proud of the business and what she has created and she enjoys talking about her business achievements, what goes on at the bar and her management skills. Once she realizes the scope of the investigation, she calms down and becomes cooperative with certain questions.

Additional role play requirements at the close of the interview

At the end of the interview Delilah refuses to sign any papers, saying that she cannot read and will not sign anything that she cannot understand. The investigation means nothing to her. She runs out of the interview room and states that she will not answer anymore questions.

Garth Vador, witness and security guard at Mr. Michaelson's home

Mr. Vador is 28 years old. He has been a security guard with the Mind your Business (MYB) security company for seven years. It is an excellent job, as the MYB clients are not high risk. In addition, he can work overtime and night shifts, which allows him to earn a good salary. He supports his elderly parents. He finished school when he was 14 and became a delivery boy for seven years. Then he started to work as a laborer. A year later, his uncle introduced him to someone at MYB who was able to get him the job. Mr. Vador is not highly educated. He takes his job seriously. Mr. Vador is aware that MYB has a strict confidentiality policy requiring all security guards not to disclose any information about the clients they protect. He is also aware of the KIDAID code of Conduct, which MYB was required to sign and he was also asked to follow.

Mr. Vador's account in the interview

Mr. Vador is aware that three "working girls" come to the home of Mr. Michaelson regularly. They always come on the weekends and stay for a few hours each time. He thinks they eat

something, as he knows the housekeeper makes special preparations whenever the girls are expected. The girls always arrive well dressed and clean and seem very happy to come to Mr. Michaelson's house. Mr. Vador does not have firsthand knowledge of what is going on, but feels it is obvious that if a man is having prostitutes in his house, then he must be having sex with them. If not, then the guy cannot be normal!

Mr. Vador recognizes the girls, as when he was younger he visited the same bar, which is owned by a woman called Delilah. The brothel is called *The Pussy Cat Club*. He doesn't visit the brothel now, as he has a girlfriend and she wouldn't like it if he went there. One of the girls, Betty, was just a little girl when he saw her last time but now he thinks she must be about 17 years old. He uses the word "girls" to describe the young women, but he is not sure of their real ages. Mr. Vador assumes that Mr. Michaelson must be having sex with the prostitutes and that probably his friend Barry is having sex with them too. He is of the view that "these girls are all the same and they will have sex with anyone."

POWERPOINT PRESENTATION FACILITATOR NOTES

He looks forward to the arrival of the girls on the weekend, as he gets a few hours to chat with the KIDAID driver, Barry. He is not sure what Barry's family name is but he thinks it is something fancy like "Shiny" or "Diamond." Garth explains that Mr. Glitter usually brings the girls to the house in a KIDAID vehicle although once or twice he recalls that they came in a taxi.

Demeanor during the interview

Initially Mr. Vador is not very keen to cooperate, as he is aware of the very strict MYB policy of not speaking about the movements and activities of clients. He is not comfortable about this interview, as he does not know the subject. In addition, Mr. Vador is upset that he seems to be the only person among the staff who this investigator from a foreign country wants to talk to. Once Mr. Vador receives assurances of permission to speak from his boss he is very open and helpful and gives his opinion freely.

Additional role play requirements at the beginning of the interview

After a few sentences from the investigator, Mr. Vador asks the following questions:

1. Can I bring a colleague to attend the interview in a witness capacity?
2. What will happen to me if I report wrongdoings by some KIDAID staff members?
3. Will you keep my testimony confidential?
4. If not, how can you protect me against retaliation?
5. Can I remain silent if I do not want to reply to one of your questions?
6. How long will the interview last?

He also states:

- I am supposed to pick up my son from school in 15 minutes.
- Could we have this interview later on today or tomorrow?

Additional role play requirements at the close of the interview

Mr. Vador refuses to sign any statement. He says that he is not a KIDAID staff member and therefore not required to sign anything. In addition, he explains that he will not promise to keep anything confidential, as Mr. Glitter is his friend, Mr. Michaelson has always been generous with him and Ms. Jolie is attractive and he wants to impress her. He is planning on telling them everything that has been discussed during the interview.

Magdalena Jolie, witness and Mr. Michaelson's house keeper

Ms. Jolie comes from a small village two hours walk from Windhoek. She is 29 years old and has a 14 year old daughter. She was forced from her father's home in the village at the age of 13 when her mother died. Her mother was the first wife of her father and Ms. Jolie was her mother's only child. As her mother only had one daughter, she did not get much respect in the family and Ms. Jolie's father took two younger wives who gave birth to several sons. On the death of her mother, the other wives threw Ms. Jolie out of the house.

She fled to Windhoek where she found work in a bar called The Pussy Cat Club. She had a daughter, Betty, when she was 15 and the child was "adopted" by the woman who co-owns the brothel, Delilah. Ms. Jolie met Mr. Michaelson in April 2004 when he came to Delilah's bar to have sex with a prostitute. He paid for Ms. Jolie's time but they ended up chatting and he was kind to her. She told him that she didn't want to be a prostitute. He took pity on her and offered her a job as a housekeeper. The money is not as good as what she earned in the bar but she can keep it all and she is no longer a prostitute. She did not tell Mr. Michaelson about her daughter, Betty, because she believes he would not have given her the job if he knew she had a child.

Ms. Jolie's account in the interview

She has worked for Mr. Michaelson since April 2004. Her description of Mr. Michaelson matches the preliminary information, i.e., Mr. Michaelson, white Australian male, approximate age mid-thirties, red hair, and brown eyes.

She has never had sex with Mr. Michaelson. He respects her and treats her well. She hopes he will fall in love with her, marry her and take her back to Australia with him one day. She confirms that Mr. Michaelson brings three girls to the house every weekend to learn English. One of the girls is her daughter, Betty, and this is how she gets to see her regularly. Ms. Jolie is always present when the girls come to the house because she wants to verify that Mr. Michaelson is not having sex with the girls.

Demeanor during the interview

Ms. Jolie is terrified of being interviewed. She is silent unless asked for very specific information. She wants to be helpful and is cooperative, but is afraid she will lose her job and future opportunities. She is ashamed of her former job and the fact that she left her daughter with Delilah. She tries to not speak about this. Ms. Jolie wants to protect Mr. Michaelson, who has been so kind and helpful to her and her daughter, Betty.

Elvira Presley, witness and Country Representative of KIDAID

Ms. Presley is a 42 year old Swedish national. She is the KIDAID Country Representative and has worked with the organization since its creation in 1990. She recruited and trained both Mr. Michaelson and Mr. Glitter.

Ms. Presley trained as a lawyer in Paris before joining the KIDAID and also has PhD in gender studies. While working for KIDAID she has worked in a number of countries, including Kenya, Tanzania, Zambia and Zimbabwe before moving to Namibia. As she studied at the Sorbonne prior to joining KIDAID she considers herself to be well educated and experienced. She likes to wear the local dress and head covering. She considers herself to be a radical feminist, open-minded and non-judgmental.

Ms. Presley's account in the interview:

She knows Mr. Michaelson well as a colleague. She does not believe that Mr. Michaelson and Mr. Glitter could have done what is alleged, particularly as they both passed her strict selection process. She personally vouches for the character of Mr. Michaelson and Mr. Glitter.

In her view, Mr. Glitter is a being targeted because of his disfigured face. She thinks Mr. Michaelson may be targeted for these allegations as he is a westerner, perceived to be wealthy and critical of the local authorities.

Ms. Presley is stunned at the allegations. She doesn't know if Mr. Michaelson is actually visiting sex workers, but even if the investigators do believe the allegations, that it is no one else's business if Mr. Michaelson wants to pay adult sex workers. She only reported the matter because OCHA were making such a fuss and the police had become involved. Ms. Presley thinks Mr. Michaelson is a bit of a "rough diamond," not very cultured on the outside but with a good heart.

She thinks that Mr. Michaelson is too close to Mr. Glitter and that is a problem for their working relationship. However she thinks if Mr. Michaelson is gay, then homosexuality is no big deal and staff can do whatever they want on their own time.

Demeanor during the interview

Once Ms. Presley is over the initial irritation (see text below) she is completely calm and polite throughout the interview. She never raises her voice or becomes excited. She is totally cooperative. She is somewhat patronizing in manner as she "knows that she is right" and the investigators are wasting everyone's time.

Additional role play requirements at the beginning of the interview

At the beginning of the interview she should make it clear that she has already been interviewed once and that she is very busy. She is willing to cooperate, but is frustrated that the investigators did not ask all their questions earlier and have not informed her every evening of all their findings and whom they spoke to.

She demands to know why the interview is starting so late (the interviewers are one hour late to the interview). She explains that she is very busy and does not have much time. She reported the allegation because it was her duty to do so, but she thought the investigators would close the investigation immediately as the allegations are obviously false and a set up to discredit KIDAID. She asks the investigators "Whose side are you on anyway?"

She also asks the interviewers for a full list of the people they intend to interview today, the full investigation plan and the details of the information they received from the local police.

Session 6. Closing the investigation, findings and report writing

Aims

Participants will:




1. Be able to appropriately and thoroughly close an investigation, maintaining adherence to the principles of investigations
2. Practice developing investigation findings and recommendations
3. Identify proper content of an investigation report

Time

3 hours

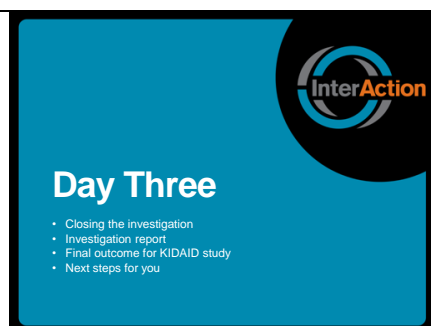
- 1 hour Closing the investigation
- 1 hour The investigation report
- 1 hour Findings from the KIDAID case study

Materials and Preparation

-  PowerPoint 6
-  Prepare copy of the PowerPoint for this session
-  Prepare copies as indicated below

Detailed Facilitator's Notes

Slide
1


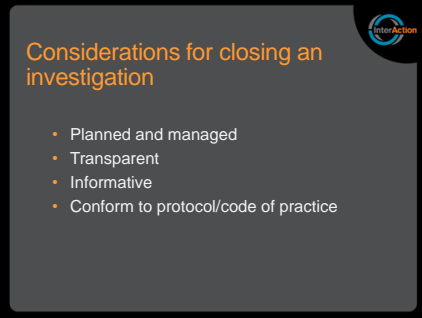


Welcome participants to the final day of the Investigations Workshop.




Review the agenda for the day – that there are three topics to be covered before we close this afternoon:

- Your findings from the KIDAID investigation – and what really happened in this real-life investigation.
- The closing the investigation and writing the investigation report
- Discussion of your policies, procedures, protocols and practices – and what you will do after this workshop.

Ask if there are any questions or announcements before we begin...

<p>Slide 2</p>		<p>(60 minutes)</p> <p>Ask participants to find the relevant sections in the IASC Protocol/Model Complaints document.</p>
<p>Slide 3</p>		<p>Slides 3-9: Present the elements to consider in closing an investigation. Tell the participants that:</p> <ul style="list-style-type: none"> • Records of interviews will form part of the report, but such records alone are not a report. An investigation report needs to be completed as soon as possible after the investigation has come to a close, because all parties involved in an investigation need an early resolution. • Their organizations should have a policy on who should be informed of the outcomes of an investigation. If possible, inform all witnesses of the outcomes without breaking confidentiality. Inform relevant professionals and agencies of the outcome as necessary. These tasks are normally taken care of by the organization's manager, who is managing the investigation. Discussion must take place in the early stages of investigations about how these will be handled, and which – if any – may be the responsibility of the investigation team. Agree to a plan of action for any victims or witnesses who may come forward later. • They should consider retention of any evidence or data, reports and records used and made during the investigation and how these will be stored, how long they will be kept and what procedure is to be used by those wishing to access the records. • They should determine a process by which lessons to be learned, including areas of good practice, can be reviewed and reported to management.

Slide 4	 <p>Possible outcomes with respect to a complaint</p> <ul style="list-style-type: none"> • <u>Upheld</u> by reasonable inference based on the evidence • <u>Not substantiated</u> due to insufficient or unclear evidence • <u>Unfounded</u> based on evidence that clears the SOC or suggests a malicious complaint 	
Slide 5	 <p>Outcomes</p> <p>Who needs to be informed/by whom?</p> <ul style="list-style-type: none"> • Inform the SOC • Inform the complainant • Inform any staff who are aware of the complaint/investigation <ul style="list-style-type: none"> – Remember minimum information/need to know – Reinforce need for continued confidentiality • Agree on plan of action for any victims/witnesses who may come forward later 	
Slide 6	 <p>Support and aftercare</p> <ul style="list-style-type: none"> • NOT the role of the investigator to establish a support and aftercare strategy • The <u>organization</u> should identify, organize, and ensure provision of support as needed to: <ul style="list-style-type: none"> – Victims – Witnesses/complainant – Families – Subject of complaint – Colleagues – Staff undertaking investigation 	
Slide 7	 <p>Investigation records and report</p> <p>Reports should</p> <ul style="list-style-type: none"> – Provide all relevant information and outcomes of an investigation – Include records of all available information from interviews and from evidence gathering 	(the investigation report will be covered in more detail below)

Slide 8	 <p>Retention of evidence</p> <p>The organization should consider retention of any evidence or data, reports and records from the investigation</p> <ul style="list-style-type: none"> – How will these be stored? – How long should they be kept? – What procedure will be used by those wishing to access those records 	(the investigation report will be covered in more detail below)
Slide 9	 <p>Review process</p> <p>After receiving the investigation report, the organization goes through a review and decision-making process</p> <ul style="list-style-type: none"> • What is the decision regarding the SOC? • Are there lessons to be learned, including areas of good practice? • How will review findings be used to assist future investigations? • Were principles adhered to? 	
Slide 10	 <p>The Investigation Report</p>	<p>(60 minutes)</p> <p>Hand out the Investigation Report handout.</p> <p>Refer participants to the BSO Guidelines, pages 28-30 and the IASC Protocol, pages 38-39.</p>
Slide 11	 <p>Scope/purpose of investigation report</p> <ul style="list-style-type: none"> • Address evidence that supports and refutes the complaint (where it exists) • Evaluate evidence against specific stipulations of your organization's code of conduct • Provide sufficient evidence to back conclusions and findings <p>NOTE: Disciplinary action should be decided by the senior HR staff or designated manager, not by the investigator.</p>	

Slide 12

(follow along on handout)



Structure of the report

- Executive summary (usually written last)
- Introduction
- Methodology
- Analysis of findings
- Outcomes and conclusions
- Recommendations

Slide 13



Introduction and methodology

- Introduction
 - Who, where, when
 - Allegation
 - Rules allegedly breached
 - Elements needing proof
- Methodology
 - Evidence required, evidence collected
 - Impediments
 - Interviews conducted


Slide 14



Analysis of findings





- Summarize the evidence given by all interviewees
 - Take each complaint in turn (if more than one)
- Describe other evidence – photos, work logs, emails etc
- Impartially state evidence to support or refute the complaint(s)
- Draw logical and fair conclusions based on the evidence

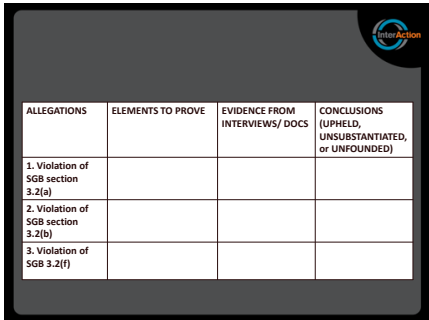
Slide 15









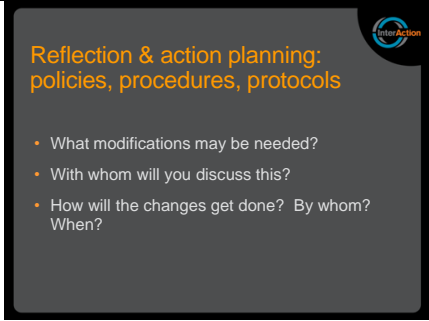
Outcomes and conclusions

Finding	Outcome
No grounds to investigate	Note to file
Allegations are established; i.e., found by reasonable inference	Investigation report Referral to disciplinary decision-maker
Allegations not established	Investigation report closing matter Clearance letter to SOC
Staff misled investigator	Recommend that decision-maker investigate malicious claim as misconduct
Subject leaves organization	If a serious allegation, continue investigation and add note to file

Slide 16	 <h3>Management implication report</h3> <p>Might be a separate report Might be section or annex in investigation report</p> <ul style="list-style-type: none"> ➤ Possible referral to national authorities ➤ Policy, program and/or organization issues ➤ Poor practice/negligence ➤ Training needs ➤ Protection needs 	
Slide 17	 <h3>Report writing guidelines</h3> <ul style="list-style-type: none"> ✓ Separate fact from opinion ✓ Be clear and concise ✓ Use plain language and good grammar ✓ Maintain agreed time frame – <i>do not make them wait long for your report !</i> 	
Slide 18	 <h2>KIDAID Findings</h2>	(60 minutes)
Slide 19	 <h3>30 minutes in your case study teams</h3> <ul style="list-style-type: none"> • Agree on <u>findings and recommendations</u> for at least <u>one</u> of the allegations of the KIDAID case study • Be prepared to briefly share your findings and recommendations in plenary • Be prepared to explain how your findings are supported through the information you gathered. 	<p>Following the instructions on the slide and using the information from Investigation reports just discussed, each team will determine findings and recommendations. Then, each team will present findings and recommendations – and justify their decision as to whether the evidence is sufficient to substantiate the allegations.</p> <p>Allow 30 minutes for the discussion in teams.</p> <p>In plenary, allow approximately 3 minutes for each team to share their findings and recommendations. Before the first team presents, remind the group that we are first seeking their findings and recommendations, not how they are supported. We will discuss more about your findings after all teams have shared.</p> <p>When all teams have shared their findings, discuss</p>

		<p>the differences in findings and recommendations – seek information from teams about what they discovered that supports their findings.</p> <p>Findings will differ in each team and in each workshop. Facilitators should be prepared to discuss differences, probe further, provide any clarifications, answer questions, and/or challenge some of the findings.</p> <p>Provide feedback on recommendations, based on the information discussed earlier this morning.</p>
Slide 20	<div></div>	
Slide 21	<div><p>Actual findings in the KIDAID investigation</p><ul style="list-style-type: none">• Mr. Michaelson went to a sex worker once while in Namibia• He felt bad for her and did not engage in sexual activities with her• Instead, he offered her a job as his housekeeper• This woman is Magdalena Jolie</div>	<p>Explain to the group that this is an actual situation, allegations made, and investigation conducted. To protect confidentiality, no further information on this case is available.</p> <p>Disclose the findings of the KIDAID case study, including:</p> <ul style="list-style-type: none">• Mr. Michaelson went to a sex worker once while in Namibia, however he felt bad for her and did not engage in sexual activities with her. Instead, he offered her a job as his housekeeper. This woman is Magdalena Jolie.
Slide 22	<div><p>Actual findings in the KIDAID investigation (cont'd)</p><ul style="list-style-type: none">• Mr. Michaelson is teaching English to three girls on weekend nights• In his home• The girls work at <i>The Pussy Cat Club</i>• One of these girls is Ms. Jolie's daughter, Betty</div>	<ul style="list-style-type: none">• Mr. Michaelson is teaching English to three girls who work at <i>The Pussy Cat Club</i> on weekend nights in his home. One of these girls is Ms. Jolie's daughter, Betty.

Slide 23	 <p>Actual findings in the KIDAID investigation (cont'd)</p> <ul style="list-style-type: none"> • Mr. Michaelson pays the owner of <i>The Pussy Cat Club</i>, Delilah, for the time he spends with the girls 	<ul style="list-style-type: none"> • Mr. Michaelson pays the owner of <i>The Pussy Cat Club</i>, Delilah, for the time he spends with the girls. • Mr. Glitter has picked the girls up from <i>The Pussy Cat Club</i> at Mr. Michaelson's request on at least two occasions, namely 19 February 2005 and 25 March 2005. He used the KIDAID vehicle when picking up the girls.
Slide 24	 <p>Actual findings in the KIDAID investigation (cont'd)</p> <ul style="list-style-type: none"> • Mr. Glitter has picked the girls up from <i>The Pussy Cat Club</i> at Mr. Michaelson's request • On at least two occasions, namely 19 February 2005 and 25 March 2005 • He used the KIDAID vehicle when picking up the girls 	<ul style="list-style-type: none"> • Mr. Michaelson pays Mr. Glitter in cash for picking up and dropping off the girls. • Mr. Glitter offers KIDAID food parcels to one of the girls he picks up at <i>The Pussy Cat Club</i>. This girl is Betty, Ms. Jolie's daughter. • Mr. Michaelson thinks he is being framed by the police, as he has protested several times about the abuse of refugee children in schools and is critical of the way the police treat sex workers, migrants and refugees.
Slide 25	 <p>Actual findings in the KIDAID investigation (cont'd)</p> <ul style="list-style-type: none"> • Mr. Michaelson pays Mr. Glitter in cash for picking up and dropping off the girls 	
Slide 26	 <p>Actual findings in the KIDAID investigation (cont'd)</p> <ul style="list-style-type: none"> • Mr. Glitter offers KIDAID food parcels to one of the girls he picks up at <i>The Pussy Cat Club</i> • This girl is Betty, Ms. Jolie's daughter 	

Slide 27	 <p>Actual findings in the KIDAID investigation (cont'd)</p> <ul style="list-style-type: none"> • Mr. Michaelson thinks he is being framed by the police because he has protested several times about the abuse of refugee children in schools and is critical of the way the police treat sex workers, migrants, and refugees 	
Slide 28	 <p>Your policies, procedures, protocols SEA Investigations</p>	<p>(30 – 60 min.)</p> <p>Hand out Action Planning handout.</p>
Slide 29	 <p>Reflection & action planning: policies, procedures, protocols</p> <ul style="list-style-type: none"> • What modifications may be needed? • With whom will you discuss this? • How will the changes get done? By whom? When? 	<p>Individually and in small groups, identify and discuss modifications that may be needed in your organization's policies and procedures for SEA investigations; make plan of action.</p> <p>Plenary discussion to draw out common themes and issues across the group.</p>

Key Messages

- ✦ Participants may have some trouble differentiating between the investigator role and the manager role in terms of the final outcome/decision after the investigation report is submitted. These are management roles, and investigators should not be making final decisions about disciplinary action or any other action to be taken. Recommendations may be included, but not decisions.
- ✦ There are several confounding issues in the KIDAID case study. While it was determined that the allegations specific to SEA were unsubstantiated, there are other policy violations that seem to have occurred (e.g., using the KIDAID vehicle, paying the Pussy Cat Club owner, etc.). Mr. Michaelson showed some poor judgment about the location of the English lessons and was advised to teach English somewhere other than his private residence.

Handout: Investigation report outline³

Executive summary

An executive summary is a very concise overview of the investigation from inception through to the report. It should only contain information, which is in the main body of the report.

Introduction

- Name(s) or case reference number of subject(s) of complaint
- Date
- Confidentiality statement
- Nature of the complaint and which stipulations of UN rules and code of conduct are alleged to have been breached
- Scope of the investigation (how many complainants, witnesses, subjects, etc.)
- Brief contextual information, e.g., country, refugee camp, etc.

Methodology

- The process used during the investigation
- Evidence required
- Interviews conducted
- Any impediments to the investigation, i.e., lack of cooperation by subject or unwillingness to be interviewed by any witnesses

Findings

- Take each complaint in turn (if there is more than one) and summarize the evidence given by all interviewees in respect to each complaint in turn
- Describe other evidence – photos, work logs, emails, etc.
- Impartially state evidence to support or refute the complaint(s)
- Draw logical and fair conclusions based on the evidence

Conclusions and recommendations

The findings should be clearly stated for each complaint according to the following:

- established by reasonable inference
- not established – insufficient or unclear evidence
- not established – based on evidence to clear the complainant or to establish a malicious complaint

Possible outcomes

- Allegations established/substantiated:
 - The organization's appropriate disciplinary procedures should be pursued by the disciplinary decision maker – not the investigator
 - Investigation report written
 - Note on subject of complaints human resources file

³ The above information has been modified from the IASC Protocol.

- Allegations not established/substantiated:
 - Inform the subject of complaint.
 - Managers are encouraged to inform other staff on a need-to-know basis only (i.e., inform those aware of the allegations, that the person has been cleared).
 - Investigation closure report written.
 - If investigation finds that a malicious complaint was made by another staff member, sanctions should be pursued against that member of staff.
- Management implication report – make recommendations if the investigation indicates poor practice or negligence (i.e., training, supervision, policy changes).
- Any particular concern about possible reprisals against witnesses should be noted.

Example of an executive summary:

1. On 12 December 2005, the human resources director received a written complaint of sexual exploitation filed by Ms. Victim, a refugee from W country in camp 1, country Y, against Mr. Offender, protection officer. Ms. Victim claimed that in 2003, she had sexual relations with Mr. Offender, who subsequently promised to help her with her resettlement case.
2. In her complaint, Ms. Victim further claimed that Mr. Accomplice, senior protection officer, covered up Mr. Offender's misbehavior and discouraged her from filing a complaint by also promising to resettle her.
3. On 10 January 2006, upon request from the human resources director, Ms. Victim was interviewed in Town A by the sexual exploitation and abuse (SEA) focal point for Country Y.
4. From 20-27 January 2006, an investigation officer conducted inquiries in Town A. On 13 February 2006, Mr. Offender was interviewed by the investigation officer in Town B, Country Y.
5. As regards to the allegations made by Ms. Victim, the organization is satisfied that the evidence gathered during the investigation supports a finding of misconduct against both Mr. Offender and Mr. Accomplice. While there is no direct evidence of Mr. Offender's improper relations with Ms. Victim, nor of Mr. Accomplice's subsequent involvement, the evidence analyzed together as a whole supports Ms. Victim's account. This evidence includes:
 - testimony obtained from six witnesses, including four women, who stated that Ms. Victim had confided in them in 2003 and 2004 about her relationship with Mr. Offender
 - the accurate details Ms. Victim provided about Mr. Offender's bedroom and cologne
 - the fact that Ms. Victim's case is the only case that Mr. Offender ever referred to resettlement
 - Mr. Offender's confused explanation as to why and how he referred Ms. Victim's case for resettlement
 - the fact that Mr. Offender's written referral disappeared from Ms. Victim's file and that neither he nor Mr. Accomplice made any records of their meetings with Ms. Victim
6. In the organization's view, this body of consistent testimonial and circumstantial evidence supports Ms. Victim's credibility and raises a reasonable inference that her allegations against Mr. Offender and Mr. Accomplice are founded.

*Example modified from an example investigation report prepared by the
Inspector General's Office of the United Nations High Commissioner for Refugees (UNHCR)*

Session 7. Review, implementation, and workshop closing

Aims

Participants will:

1. Identify modifications needed in their organization's policies and procedures for investigations and develop a plan of action accordingly
2. Describe key challenges they face or they expect to face in conducting investigations and identify how to minimize those challenges
3. Demonstrate knowledge at the end of the workshop through a written post-workshop knowledge check

Time

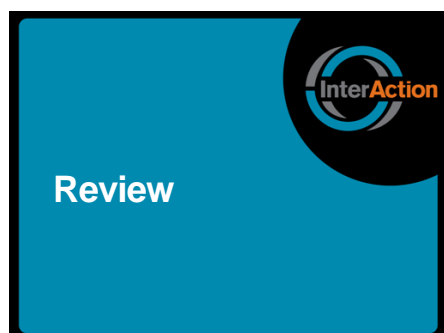
2 hours

Materials and Preparation

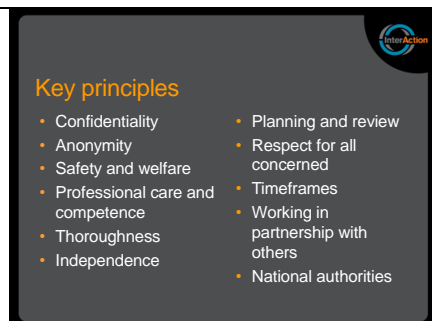
- Adapt PowerPoint 7 as needed to reflect workshop events, topics, and key messages
- Review the workshop evaluation form and revise as needed. Prepare copies.
- Prepare copies of Knowledge Check

Detailed Facilitator's Notes





Slide
1

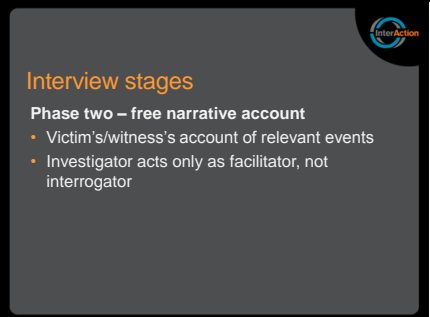
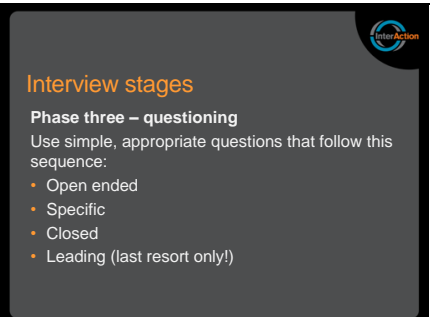
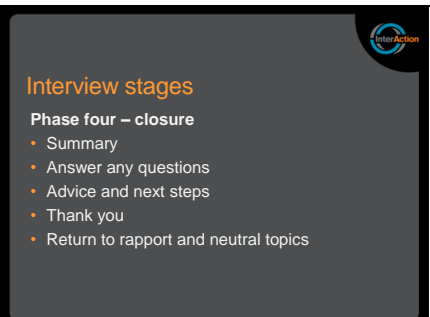
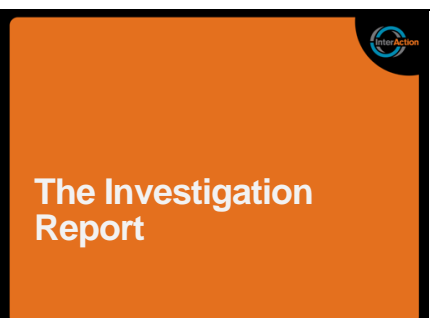








Slide
2



Slide 3	 <p>Basic rules (principles) of conducting an investigation</p> <ul style="list-style-type: none"> • Investigating the allegations, not an individual • "Presumption of innocence" • The investigator is not the decision-maker • The investigator does not make moral judgments relating to any of the parties of the complaint 	Re-emphasize the fact that the investigations that we are doing are 'administrative procedures'. We are not doing criminal investigations; so, not a question of 'guilt' or 'innocence' but 'can the allegation be upheld'?
Slide 4	 <p>Stages of investigations</p> <ol style="list-style-type: none"> 1. Receive allegations 2. Decide whether to investigate 3. Plan the investigation 4. Gather and study background material and documentary evidence 5. Revisit investigation plan 6. Interview witnesses 7. Write investigation report 8. Conclude the investigation 	What you learned across these three days starts at stage 3 [Stages 1 and 2 were handled by others who decided to call on you to lead the investigation].
Slide 5	 <p>Gathering Information</p>	
Slide 6	 <p>Gathering information: sources of information</p> <ul style="list-style-type: none"> • Testimony (including that of experts) • Information about the subject of the complaint (SOC) • Information about complainant; victim and witnesses documentation • Previous complaints • Research • Examination of locations 	

Slide 7	 <p>Gathering information: documentation</p> <ul style="list-style-type: none"> • Written complaint • Application for post and previous history • Personnel/HR information • Previous complaints against subject • Information previously given in similar incidents about/by others • Previous statements made by witnesses • Information relating to policy and/or procedure • Logs/rosters, stockpiles, photos, emails, etc. 	
Slide 8	 <p>Gathering information: info about SOC</p> <ul style="list-style-type: none"> • Timelines • Personnel knowledge • Employment status (during and prior to current post if possible) • Personnel file • Interview • Behaviors 	
Slide 9	 <p>Interviewing Victims and Witnesses</p>	
Slide 10	 <p>Interview stages</p> <p>Phase one – establishing rapport</p> <ul style="list-style-type: none"> • Clarify purpose • Explain ground rules • Engage witness 	

Slide 11	 <p>Interview stages</p> <p>Phase two – free narrative account</p> <ul style="list-style-type: none"> • Victim's/witness's account of relevant events • Investigator acts only as facilitator, not interrogator 	
Slide 12	 <p>Interview stages</p> <p>Phase three – questioning</p> <p>Use simple, appropriate questions that follow this sequence:</p> <ul style="list-style-type: none"> • Open ended • Specific • Closed • Leading (last resort only!) 	<p>Open-ended: describe what you saw/heard.</p> <p>Specific: when did you see...?</p> <p>Closed: did he go out Friday evenings?</p> <p>Leading: are you sure about ...?</p>
Slide 13	 <p>Interview stages</p> <p>Phase four – closure</p> <ul style="list-style-type: none"> • Summary • Answer any questions • Advice and next steps • Thank you • Return to rapport and neutral topics 	
Slide 14	 <p>The Investigation Report</p>	

Slide 15	 <p>Scope/purpose of investigation report</p> <ul style="list-style-type: none"> • Address evidence that supports or refutes the complaint (where it exists) • Evaluate evidence against specific stipulations of your organization's code of conduct regarding SEA • Provide sufficient evidence to back conclusions and findings • Disciplinary action should be decided by the senior HR staff or designated manager, not by the investigator 	
Slide 16	 <p>Structure of the report</p> <ul style="list-style-type: none"> • Executive summary (usually written last) • Introduction • Methodology • Analysis of findings • Outcomes and conclusions • Recommendations 	
Slide 17	 <p>Personal reflection: your 3 greatest challenges</p> <ul style="list-style-type: none"> • Related to investigating allegations of SEA <p>Consider ...</p> <ul style="list-style-type: none"> – Knowledge, Skills, Abilities – Confidence, Courage – Work environment (politics, personalities) – Support network 	Ask participants to self-reflect on their three greatest challenges in investigations and how they plan to address them – and share, one by one.
Slide 18	 <p>Next Steps for this group</p>	<p>Knowledge Check (20 minutes)</p> <p>Workshop Evaluation (15 minutes)</p>
Slide 19	 	<p>Facilitators/Organizers describe any next steps or follow up that will occur after this workshop.</p> <p>Closing remarks and hand out course certificates!</p>

Annex 1. Abbreviations

BSO	Building Safer Organizations
GBV	Gender-based violence
IASC	InterAgency Standing Committee
NGO	Non-governmental organization
SEA	Sexual exploitation and abuse
SGB	UN Secretary-General's Bulletin
SOC	Subject of the complaint
SWG	Sub-working group
UN	United Nations

Annex 3. Pre-Workshop Letter to Participants

Approximately one week in advance of the workshop, a letter similar to the following sample should be sent to all participants. The information in this letter will enable participants to prepare for their active participation from the start of the workshop. The letter also provides information about what to expect and establishes the expectation that participants will be responsible for active learning.

Dear Participant,

We are looking forward to meeting all of you at the Investigations Workshop next week. This letter contains information about the workshop and how you can prepare for your active engagement.

Pre-Workshop Reading

We request that all participants read and become familiar with the materials listed below. These two guideline documents contain essential background information and we encourage you to be familiar with them before entering the workshop. Both are available for Internet download as indicated. If you have any trouble accessing the documents, please contact Margot Bokanga mbokanga@interaction.org to request the documents by email.

- *Building Safer Organizations Guidelines: Receiving and investigating allegations of abuse and exploitation by humanitarian workers* (ICVA)
<http://www.icva.ch/doc00002028.pdf>
- *Model Complaints and Investigation Procedures and Guidance Related to Sexual Abuse and Sexual Exploitation* (IASC, March 2004 marked as draft) [also known as the “IASC Protocol”]
http://www.un.org/en/pseataaskforce/docs/sea_model_complaints_and_investigation_procedures_and_guidan.pdf

Documents to Bring With You

Please bring to the workshop one copy of your organization’s policies, procedures, and/or protocols for the following issues and topics. These are for your own reference and use during the workshop. If your organization does not have all of these documents in final form, you can bring drafts. If there are no drafts to bring, then you are attending the right workshop!

1. Code of conduct related to sexual exploitation and abuse
2. Complaints procedures for allegations of sexual exploitation and abuse
3. Investigation policies/procedures/protocols for investigating allegations of sexual exploitation and abuse
4. Any relevant human resource policies or procedures (if there are additional ones)

Workshop Location

Annex 4. Resources for Energizers and Exercises

100 ways to energise groups: Games to use in workshops, meetings and the community, International HIV/AIDS Alliance, 2003.

101 Games for Trainers: A Collection of the Best Activities from Creative Training Techniques Newsletter. Bob Pike and Chris Busse (1995)

The Big Book of Humorous Training Games (Big Book of Business Games Series). Doni Tamblyn and Sharyn Weiss (2000)

Games Trainers Play. Edward Scannell and John Newstrom (1980)