

Sexual Exploitation and Abuse

Investigations Workshop

PARTICIPANT MANUAL



SEA Sub-Working Group

May 2012

Foreword

Sexual exploitation and abuse (SEA) of beneficiaries by humanitarian personnel is a serious concern for the humanitarian community, and represents one of the most egregious failures of protection. As organizations dedicated to alleviating harm and respecting and honoring the dignity and integrity of everyone, InterAction members have an obligation and responsibility to perform in a manner that is consistent with the fundamental principles of human rights. Given this, we must remain at the forefront of efforts to prevent SEA.

InterAction's SEA Sub-Working Group (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 member capacity to respond to and prevent SEA, to advocate for awareness of SEA, and to influence prevention and response capacities on the global level.

The primary objectives of the SWG are: to strengthen InterAction member capacity; to provide a forum to facilitate the sharing of information, knowledge, tools, etc., so as to foster cross-agency learning; to advocate for SEA awareness and influence UN agencies, governments, donors, and others on SEA policies and programs at the global level; and to provide training opportunities for InterAction membership related to SEA.

The *InterAction Framework for Strengthening NGO Capacity to Address Sexual Exploitation and Abuse and Gender-Based Violence* is a project of the SWG funded by the U.S. Department of State Bureau for Population, Refugees, and Migration. 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.

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 unprecedented opportunity to work together to build capacity to address SEA as individual organizations and as an NGO community.

The SEA SWG would like to thank all who contributed to the development of this workshop manual. Much of the content in this manual is drawn from the SEA training and guidelines developed by the Building Safer Organisations initiative now housed within the Humanitarian Accountability Partnership. The training workshop was developed by Beth Vann with review and input from Daisy Francis at Catholic Relief Services and Angela Wiens at International Medical Corps.

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Session 1. 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-upon 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 organization's internal investigative procedures to respond to reports of SEA.

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 and will be needed on Day 3. 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)

Participant Materials

- Participant Manual
- *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)

Agenda

Day 1

Timing	Session
8:30am	Arrivals and registration
9:00	Session 1. Introductions and course overview
9:45	<i>Knowledge Check</i>
10:00	Session 2. Codes of conduct, definitions, core principles
10:45	Tea break
11:00	Session 3. Overview of investigations Overview – IASC Protocol Risk, vulnerability, and barriers to complaints Principles of investigations; small group work
12:30 pm	Lunch
1:30	Stages of an investigations/introduce BSO Guide
1:45	Session 4. Gathering information What information to gather How to gather; interviewing
2:45	Tea break
3:00	Case study: practice interviewing Mrs. Presley
3:35	Case study: practice interviewing Delilah
4:10	Interview practice plenary discussion
4:45	Review and close for the day (by 5:00)
Evening	Reading from Participant Manual: <ul style="list-style-type: none"> ○ Investigation Case Study (KIDAID) ○ Planning an Investigation ○ Interviewing BSO Guidelines, Chapter 3 and Annex B (review) IASC Protocol/Model Complaints document (review)

Day 2

Timing	Topic
9:00	Opening, review yesterday, agenda for today
9:15	Session 4. Gathering information (continued from Day 1) Interviewing the SOC
10:15	Session 5. KIDAID case study
11:00	Tea break
11:15	(continued)
12:30	Lunch
1:30	(continued)
3:00	Tea break
3:15	(continued)
4:45	Review and close for the day

Day 3

Timing	Topic
9:00	Opening, review yesterday, agenda for today
9:15	Session 6. Closing the investigation, findings, and report writing Closing the investigation Investigation report
10:45	Tea break
11:00	Investigation report (continued) (total 60 minutes) Final outcome, KIDAID study
12:30 pm	Lunch
1:30	Session 7. Review, implementation, next steps
3:00	Tea break
3:15	(continued)
4:00	Post-workshop knowledge check Workshop evaluation Close

Session 2. Codes of conduct, definitions, core principles



9 October 2003

Secretary-General's Bulletin

Special measures for protection from sexual exploitation and sexual abuse

The Secretary-General, for the purpose of preventing and addressing cases of sexual exploitation and sexual abuse, and taking into consideration General Assembly resolution 57/306 of 15 April 2003, "Investigation into sexual exploitation of refugees by aid workers in West Africa", promulgates the following in consultation with Executive Heads of separately administered organs and programmes of the United Nations:

Section 1 **Definitions**

For the purposes of the present bulletin, the term "sexual exploitation" means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. Similarly, the term "sexual abuse" means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Section 2 **Scope of application**

2.1 The present bulletin shall apply to all staff of the United Nations, including staff of separately administered organs and programmes of the United Nations.

2.2 United Nations forces conducting operations under United Nations command and control are prohibited from committing acts of sexual exploitation and sexual abuse, and have a particular duty of care towards women and children, pursuant to section 7 of Secretary-General's bulletin ST/SGB/1999/13, entitled "Observance by United Nations forces of international humanitarian law".

2.3 Secretary-General's bulletin ST/SGB/253, entitled "Promotion of equal treatment of men and women in the Secretariat and prevention of sexual harassment", and the related administrative instruction¹ set forth policies and procedures for handling cases of sexual harassment in the Secretariat of the United Nations. Separately administered organs and programmes of the United Nations have promulgated similar policies and procedures.

¹ Currently ST/AI/379, entitled "Procedures for dealing with sexual harassment".

Section 3

Prohibition of sexual exploitation and sexual abuse

3.1 Sexual exploitation and sexual abuse violate universally recognized international legal norms and standards and have always been unacceptable behaviour and prohibited conduct for United Nations staff. Such conduct is prohibited by the United Nations Staff Regulations and Rules.

3.2 In order to further protect the most vulnerable populations, especially women and children, the following specific standards which reiterate existing general obligations under the United Nations Staff Regulations and Rules, are promulgated:

- (a) Sexual exploitation and sexual abuse constitute acts of serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal;
- (b) Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defence;
- (c) Exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour, is prohibited. This includes any exchange of assistance that is due to beneficiaries of assistance;
- (d) Sexual relationships between United Nations staff and beneficiaries of assistance, since they are based on inherently unequal power dynamics, undermine the credibility and integrity of the work of the United Nations and are strongly discouraged;
- (e) Where a United Nations staff member develops concerns or suspicions regarding sexual exploitation or sexual abuse by a fellow worker, whether in the same agency or not and whether or not within the United Nations system, he or she must report such concerns via established reporting mechanisms;
- (f) United Nations staff are obliged to create and maintain an environment that prevents sexual exploitation and sexual abuse. Managers at all levels have a particular responsibility to support and develop systems that maintain this environment.

3.3 The standards set out above are not intended to be an exhaustive list. Other types of sexually exploitive or sexually abusive behaviour may be grounds for administrative action or disciplinary measures, including summary dismissal, pursuant to the United Nations Staff Regulations and Rules.

Section 4

Duties of Heads of Departments, Offices and Missions

4.1 The Head of Department, Office or Mission, as appropriate, shall be responsible for creating and maintaining an environment that prevents sexual exploitation and sexual abuse, and shall take appropriate measures for this purpose. In particular, the Head of Department, Office or Mission shall inform his or her staff of the contents of the present bulletin and ascertain that each staff member receives a copy thereof.

4.2 The Head of Department, Office or Mission shall be responsible for taking appropriate action in cases where there is reason to believe that any of the standards listed in section 3.2 above have been violated or any behaviour referred to in section 3.3 above has occurred. This action shall be taken in accordance with established rules and procedures for dealing with cases of staff misconduct.

4.3 The Head of Department, Office or Mission shall appoint an official, at a sufficiently high level, to serve as a focal point for receiving reports on cases of sexual exploitation and sexual abuse. With respect to Missions, the staff of the Mission and the local population shall be properly informed of the existence and role of the focal point and of how to contact him or her. All reports of sexual exploitation and sexual abuse shall be handled in a confidential manner in

order to protect the rights of all involved. However, such reports may be used, where necessary, for action taken pursuant to section 4.2 above.

4.4 The Head of Department, Office or Mission shall not apply the standard prescribed in section 3.2 (b), where a staff member is legally married to someone under the age of 18 but over the age of majority or consent in their country of citizenship.

4.5 The Head of Department, Office or Mission may use his or her discretion in applying the standard prescribed in section 3.2 (d), where beneficiaries of assistance are over the age of 18 and the circumstances of the case justify an exception.

4.6 The Head of Department, Office or Mission shall promptly inform the Department of Management of its investigations into cases of sexual exploitation and sexual abuse, and the actions it has taken as a result of such investigations.

Section 5

Referral to national authorities

If, after proper investigation, there is evidence to support allegations of sexual exploitation or sexual abuse, these cases may, upon consultation with the Office of Legal Affairs, be referred to national authorities for criminal prosecution.

Section 6

Cooperative arrangements with non-United Nations entities or individuals

6.1 When entering into cooperative arrangements with non-United Nations entities or individuals, relevant United Nations officials shall inform those entities or individuals of the standards of conduct listed in section 3, and shall receive a written undertaking from those entities or individuals that they accept these standards.

6.2 The failure of those entities or individuals to take preventive measures against sexual exploitation or sexual abuse, to investigate allegations thereof, or to take corrective action when sexual exploitation or sexual abuse has occurred, shall constitute grounds for termination of any cooperative arrangement with the United Nations.

Section 7

Entry into force

The present bulletin shall enter into force on 15 October 2003.

(Signed) Kofi A. **Annan**
Secretary-General

Session 3. Overview of investigations

KIDAID principles case study

Task

- Time: 30 minutes
- Read the first section, “The complaint,” in the KIDAID case study.
- 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


Gathering information (PowerPoint handout)



Stages of investigations

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

The WHAT: facts about gathering information



Planning the Investigation

Homework tonight:

- Investigation Planning Tool
- BSO Guidelines, Chapter 3 and Annex B
- IASC Protocol/Model Complaints document




**Planning the investigation:
how information is obtained**


- Establish how the following information will be obtained:
 - 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


**Gathering information:
what**


- 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


**Gathering information:
testimony**


- 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


**Gathering information:
info about SOC**


- Timelines
- Personnel knowledge
- Employment status (during and prior to current post if possible)
- Personnel file
- Interview
- Behaviors


**Gathering information:
information about complainants**

- Any previous complaints:
 - 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?


**Gathering information:
documentation**

- 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.


**Gathering information:
examination of location**

- 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

Gathering information: record keeping




- 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.

Gathering information: which information becomes evidence?



Evidence is information that **proves or disproves** the allegation

The HOW: skills for gathering information




Investigation skills

What are the core qualities required by an investigator?




Observation



Listening


- Three levels of communication:
 - Thinking
 - Feeling
 - Intent



Active Listening

- Attending (body language)
- Open-ended questions
- Reflection – thinking, feelings, intent, facts
- Clarifying
- Minimal encouragements to talk


Interviewing victims and witnesses



Interview stages

Phase one – establishing rapport

- Clarify purpose
- Explain ground rules
- Engage witness



Interview stages (cont'd)

Phase two – free narrative account

- Victim's/witness's account of relevant events
- Investigator acts only as facilitator, not interrogator



Interview stages (cont'd)

Phase three – questioning

Use simple, appropriate questions that follow this sequence:

- Open ended
- Specific
- Closed
- Leading (last resort only!)



Interview stages (cont'd)


Phase four – closure

- Summary
- Answer any questions
- Advice and next steps
- Thank you
- Return to rapport and neutral topics




Good practice

- Communication
- Sensitivity
- Awareness of barriers that may lead to fears
- Remember the principles!



Factors to consider


- Age
- Race, culture, ethnicity
- Religion
- Gender and sexuality
- Special needs



Possible special needs to consider

- 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



Safety issues

- Environment
- Medical needs
- Physical safety
- Knowledge/understanding of process
- Connections to/contacts with SOC and those supporting the SOC



Safety issues (cont'd)


- 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?



Explicit Language



Interview Practice



Interview practice in pairs

Ms. Presley Interview
Person A: Interviewer Person B: Ms. Presley

- 10 minutes
 - Person A: plan your interview
 - Person B: become familiar with your role
- 20 minutes – conduct the interview
- 5 minutes – discuss together

This exercise is about

- Stages of the interview
- Interview skills
- Gathering information




Interview practice in pairs

Delliah Interview
Person A: Interviewer Person B: Delliah

- 10 minutes
 - Person A: plan your interview
 - Person B: become familiar with your role
- 20 minutes – conduct the interview
- 5 minutes – discuss together

This exercise is about practicing

- Stages of the interview
- Interview skills
- Gathering information



Interviewing the SOC

PURPOSE: To establish whether there has been a breach of the code of conduct

Remember: You are investigating an allegation, not the person.

The SOC should be the last interview, after all other information gathered.



Interviewing the SOC (cont'd)

Preparation

- Research the SOG
 - Complete a timeline
- Inform
 - 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



Interviewing the SOC: preparation

Timelines with Details

- Include:
- Date of birth of SOC
 - Dates of important life events
 - Events and summary underneath the timeline
 - Age of subject at time of event

Consider

- All allegations/complaints
- New incidents that come to light during the investigation
- List start and end periods of alleged abuse




Interviewing the SOC: preparation (cont'd)

Chronology

- 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

Mapping

- Can be useful for planning and preparation



Interviewing the SOC: preparation (cont'd)

Interview plan


- 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



Interviewing the SOC

Investigators MUST:

- Clarify the purpose of the interview
- Advise on disciplinary procedures
- Explain confidentiality
- Check expectations of subject
- Advise on process (breaks, recording, next steps)



Interviewing the SOC (cont'd)

Managing unexpected material and information

- 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



Interviewing the SOC (cont'd)

After the interview

- 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

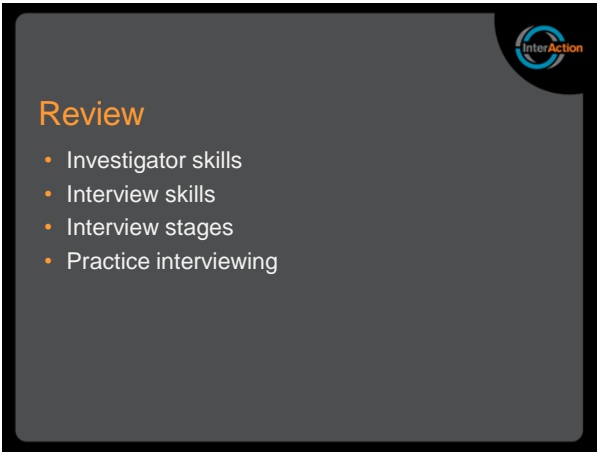
Review of Day 1

- ⦿ Six core principles (SGB)
- ⦿ Principles of investigations
- ⦿ Stages of investigations



Stages of investigations

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



Review

- Investigator skills
- Interview skills
- Interview stages
- Practice interviewing



HOMEWORK TONIGHT

- Read and become familiar with the entire KIDAID Case Study
 - Be ready to start planning interviews with your group

- Read about planning an investigation
 - Investigation Planning Tool
 - BSO Guidelines, chapter 3 and annex B (review)
 - IASC Protocol/Model Complaints document (review)

- Read interviewing handouts

Investigation Planning Tool ²

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?

Interviewing 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.

Interviewing: additional notes about procedures ³

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?"
- 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?"

³ From follow up workshop facilitator's notes, *BSO Handbook: Training materials on receiving and investigating allegations of SEA by humanitarian workers*, ICVA, p. 257.

- 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.

Session 5. KIDAID practice investigation

KIDAID case study

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	Guards can report on comings and goings of KIDAID staff, especially during the weekend evenings. They may maintain their own logbooks

use, etc.	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:

KIDAID Headquarters

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.

REPORT ON COMPUTER SEARCH

INVESTIGATION CASE NUMBER: INV/05/001

Date: 16 June 2005

Location of search: KIDAID Windhoek

Subject: Barry Glitter

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.

Description of the findings:

The search started at 18.35 hours.

- "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",

The search ended at 19.20 hours.

Name of investigator: *Your name*

Name of witness:

Signature(s): _____

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

Suggested format: interview outline for Mr. Glitter

(Refer to KIDAID Case Study, page 10)

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):

Session 6. Closing the investigation, findings, report writing

Closing the investigation

Considerations for closing an investigation

- Planned and managed
- Transparent
- Informative
- Conform to protocol/code of practice


Possible outcomes with respect to a complaint

- Upheld by reasonable inference based on the evidence
- Not substantiated due to insufficient or unclear evidence
- Unfounded based on evidence that clears the SOC or suggests a malicious complaint

Outcomes

Who needs to be informed/by whom?

- Inform the SOC
- Inform the complainant
- Inform any staff who are aware of the complaint/investigation
 - 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



Support and aftercare


- **NOT** the role of the investigator to establish a support and aftercare strategy
- The organization should identify, organize, and ensure provision of support as needed to:
 - Victims
 - Witnesses/complainant
 - Families
 - Subject of complaint
 - Colleagues
 - Staff undertaking investigation



Investigation records and report

Reports should


- Provide all relevant information and outcomes of an investigation
- Include records of all available information from interviews and from evidence gathering



Retention of evidence

The organization should consider retention of any evidence or data, reports and records from the investigation

- How will these be stored?
- How long should they be kept?
- What procedure will be used by those wishing to access those records



Review process

After receiving the investigation report, the organization goes through a review and decision-making process

- 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?

The investigation report

Scope/purpose of investigation report

- 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

NOTE: Disciplinary action should be decided by the senior HR staff or designated manager, not by the investigator.

Structure of the report

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

Introduction and methodology

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

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

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

Management implication report



- Might be a separate report
Might be section or annex in investigation report
- Possible referral to national authorities
 - Policy, program and/or organization issues
 - Poor practice/negligence
 - Training needs
 - Protection needs

Report writing guidelines



- ✓ Separate fact from opinion
- ✓ Be clear and concise
- ✓ Use plain language and good grammar
- ✓ Maintain agreed time frame – *do not make them wait long for your report !*

Investigation report outline ⁴

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

⁴ 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)

