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Global Initiative to Fight Human Trafficking



# Anti-human trafficking manual for criminal justice practitioners

Module 8



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# **Anti-human trafficking manual for criminal justice practitioners**

Module 8:

Interviewing victims of trafficking in  
persons who are potential witnesses



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# Module 8:

## Interviewing victims of trafficking in persons who are potential witnesses

### Objectives

On completing this module users will be able to:

- State the overall objective of all law enforcement interviews with victims of trafficking who are potential witnesses.
- Outline some of the key differences between interviews of suspected victims of trafficking in persons who are potential witnesses in court cases and those in other forms of crime.
- Identify the five stages of a victim interview—Planning and preparation, Engaging with the victim-witness and explaining the process and content, obtaining the Account of the victim-witness, Closing an interview appropriately and Evaluating the content of the interview (PEACE).
- Explain why it is important to plan for interviews of victim-witnesses in trafficking cases.
- Describe a number of practical steps that will assist you to plan an interview of a victim-witness of trafficking in persons.
- Identify the elements required to engage with a victim-witness of trafficking in persons in an evidential interview.
- List what should be explained to a suspected victim-witness of trafficking in persons.
- Identify when an interview should not proceed to the Account stage.
- Give a basic explanation of what free recall is.
- Describe compliance in the context of the interview of a vulnerable person.
- Explain the differences between open, specific, closed and leading questions.
- Explain how the nature of trafficking cases may affect the various techniques used in vulnerable person interviews.
- List special interview techniques and explain who should (and should not) use them.
- Describe what is required in the closing phase of an interview.
- Describe a number of practical steps to assist in evaluating an interview.

## Introduction

This module focuses on interviews of suspected victim-witnesses in trafficking in persons investigations. Victim and witness are terms that have specific and different meanings among jurisdictions.

In some jurisdictions a person is declared a “victim” after a judicial or administrative process. Official declaration of “victim” status in these cases bring a number of privileges and protections. In other jurisdictions, the term victim is understood in broader sense without any legal/administrative requirements.

In some jurisdictions, “Witness” is limited to a person who gives testimony in courts, while in others it is used to describe a person who has information about a crime as well as a person making a written statement or giving testimony in court.

It is not possible to produce an interview module that precisely fits every legal system in the world. You may have to adapt some of the information contained in the module to your domestic legal system.

Whatever the precise terminology and structure of your legislation, this guidance is primarily intended for those situations involving people who you suspect have been trafficked and who you need to conduct an evidential interview with to get an account of the depth and quality that can be used in court proceedings. Even if the information is not used in a court case, this approach gives you the best chance of obtaining high quality information that can be used to counter human trafficking activities.

Interviewing suspected victims as part of an initial screening process in field operations differs in many respects from evidential interviews, although they have many things in common.

In some jurisdictions, decisions on victim status require an approach that uses a particular structure. The victim status may be specifically related to trafficking (for example as part of a national referral mechanism for victims of trafficking) or as practice for all forms of crime in that jurisdiction. Again, while these interviews have much in common with evidential interviews, they are not the same.

Even if an interview is not intended primarily to form the basis of evidence in a court case, you should be ready for every eventuality and prepare the interview in such a format that would be admissible in your legal system. For example, the defence may wish to see what was said at the initial field operations screening interview, interviews to determine victim status and the in depth evidential interview.

Ideally, interviews of victims of trafficking in persons should be conducted by specially trained interviewers. Typical operational units containing such trained personnel include sex offence investigators and domestic and child abuse units.

This document is intended for use in three main ways.

First, it provides specific guidance to trained interviewers on issues to consider when interviewing victims of trafficking. It should be emphasized that while this document provides an overview of certain techniques to highlight the specific points on trafficking; it will not replace the need to fully train specialist interviewers.

This leads to the second intended use. Although the aspiration is that only trained staff will be used, it is acknowledged that for various reasons this may not be possible in some locations. In these circumstances, the material may be used to provide guidance to an experienced law enforcement interviewer who may not have received relevant specialist training. It must be emphasized that this is not ideal, but it may help to avoid the most serious problems associated with using non-trained individuals in trafficking cases and increases the effectiveness of such interviews.

Finally, this document may be of interest to those who manage investigations and direct interviews. A common international theme that emerged during the creation of the material was that investigation managers do not understand the complexities of trafficking victim interviewing. A frequently reported consequence was that managers put pressure on interviewers to conduct the interview quickly. This can have serious implications for a trafficking investigation. This document can provide managers of trafficking investigations with insight into what is involved in such investigations and can help in planning reorigins and day-to-day management of interviewers.

This module starts by explaining some of the reasons why interviews in trafficking cases are different from many other investigations.

The next section addresses how trafficking interviews should be planned. The basis for this part of the module is the understanding that all victims of trafficking should be considered vulnerable witnesses.

The module then moves on to the topic of conducting a witness interview in a trafficking case. Although interviews of vulnerable witness in trafficking cases have the same structure as any vulnerable witness interview, there are a number of differences in how (and why) trafficking interviews should be conducted. Specific notes will identify these differences and provide advice on how to adapt to the differences throughout this section.

The module appendices also give some supporting material that you may wish to use operationally.

Appendix A provides a checklist for areas of questioning in trafficking witness interviews that relate the questions to the origin, transit and destination markets, as well as recruitment, transport and exploitation phases and the commercial processes of trafficking.


Appendix B provides a list of what trafficking investigators should (ideally) get from first responders when they pass the case on.

Appendix C provides some specific guidance for those responsible for strategic planning for trafficking victim-witness interviews.

## Objectives of interviews

The ultimate objective of any interview conducted in connection with law enforcement activities is to obtain an accurate account. This applies to interviews of victims, other witnesses and suspects. In this respect, interviews in trafficking in persons cases are no different from any other types of interview.

As any experienced investigator will be aware obtaining an accurate account is frequently a difficult objective to achieve in practice. Trafficking in persons interviews, particularly those involving victims, have a number of challenges that you need to be aware of in order to maximize the chances of obtaining an account that fully reflects what happened.

	<b>Self-assessment</b>
<p>What is the overall objective of any law enforcement interview?</p> <p>How can I apply this objective to an interview of a trafficking in persons victim-witness?</p>	

## What are the peculiarities in trafficking in persons cases?

It is rare to find the number and range of support services required in trafficking in persons cases in any other type of investigation. A blend of accommodation, medical support, counselling, translation services, clothing, food and planning for return to the country of origin may be required. These are the range of support services that should be anticipated from the planning stage and implemented from the moment you come in contact with suspected victim for interview. It is not something that can be put off to the end of an interview or series of interviews. Support of this kind is not easy to arrange, and the earlier you start, the better. Cooperation and trust is not likely to occur until you have at least taken some steps towards making these support arrangements and telling the witness/victim what is in place for him/her.

Without victim's cooperation and testimony you are unlikely to have a case. This should not be confused with having victim's testimony as the only evidence you have in your case. Everything you are told should be corroborated or supplemented by as much other testimony and material evidence as you can gather.

## Changing accounts

Accounts change during interviews of victims of all types of crime. In interviews of trafficking in persons victims, account changes have been reported as a particularly common phenomenon. Although this observation is based largely on anecdotal evidence, it has been consistently reported by investigators around the world.

A changing account is a very obvious risk to any potential prosecution. A defence can easily portray a person that has changed their story as a liar, thus discrediting the testimony.



Reasons for changes in an account are very complex. They are explained in this module to some extent, but in more detail elsewhere, such as module 3: “Psychological reactions of victims of trafficking in persons” and module 4: “Control methods in trafficking in persons investigations”

While an account may change because the story is not true, investigators should always be mindful of the possibilities of certain issues associated with trafficking in persons cases. It could be that the victim is still suffering from post-traumatic stress disorder, or that he/she is compromised by reasons of threat, intimidation or some other extenuating circumstances. It is very important that investigators do not see these account changes in a simplistic way and assume the person is lying, or that if one part of an account is not correct then the rest is automatically false. Every account should be verified and corroborated as much as possible by other means.

Each victim is different, and you may find that the person you believe to be a victim gives a fully accurate account that never changes. However, some amount of discrepancy is believed to be the more common situation. This is why evidence from interviews needs corroboration.

### **Investigators comment**

During a training course for trafficking in persons investigators, an experienced investigator made the following observation.

“When I am investigating these cases I am more suspicious of the highly detailed account told from beginning to end that never changes than I am of the one that moves all over the place and has gaps and changes a number of times”

This should not be taken to suggest that consistent accounts are always suspect but does illustrate that changing accounts are not necessarily an indication of deception in practice.

## **The process of trafficking in persons**

Human trafficking is a commercial as well as criminal process. Convicting trafficking criminals is important, but if the commercial process is not affected, a conviction will only have a small impact on trafficking networks. Always keep an open mind about whether the interview could be leading to a sustainable court case. Sometimes you may need to consider not proceeding with a court case if you feel the available evidence cannot justify such a course of action and instead use the victim's account to develop intelligence, proactive and disruptive approaches.

Continuously assess the risk of what the witness is telling you. What they are saying may mean that immediate action is required to protect witnesses' family, friends or other victims.

Action may be required within your country's borders and/or at locations of a foreign origin, transit and/or destination country.

## **Language**

Many suspected trafficking in persons victim-witnesses would not speak the language of investigators, leading to the need for interpreters. This is not exclusive to trafficking in persons cases but likely to be more common.

Extensive guidance on the use of interpreters in trafficking cases is given in module 10: “Interpreters in trafficking in persons cases”

## **Culture**

Satisfying basic requirements of a person’s culture are important to help them feel relaxed, comfortable and willing to cooperate. Basic requirements include things such as food, clothing and religious observance. Many investigators will be experienced in working with these requirements; a possible difference with trafficking in persons is that a witness may come from a community or culture the investigator is not familiar with and will not know whether more or different provisions are necessary.

In cases of sexual exploitation, families may consider a woman who was forced into prostitution to have brought shame and dishonour on them. Even though a woman has been deceived or threatened she is likely to be very anxious about her family and friends finding out what has happened to her.

## **Trust**

Trust is always required between the investigator and witness, particularly where the witness is also a victim. Trust in trafficking in persons investigations can be very difficult to win and easy to lose for a number of reasons.

Witnesses may believe that law enforcement agencies and officers are corrupt because of general experiences they have had, the potential involvement of law enforcement officers in their trafficking, and/or because traffickers have told them the police are corrupt.

## **Victimization and trauma**

A significant proportion of victims may have suffered long-term abuse even before they were trafficked and as a result may have little experience in trusting others.

Victimization processes in trafficking in persons have a number of very serious consequences for victims that are explained in full in module 3: “Psychological reactions of victims of trafficking in persons”. The level of trauma is different from most cases (even to many sex crime investigations). This trauma leads to problems obtaining accurate accounts, often requiring interviews over a longer period than is usually the case in other criminal investigations. Disorientation from the victimization or the experience of living in an unfamiliar place may mean witnesses are not able to clearly identify where offences happened or the location of significant places in their account.

## Criminal justice systems

Some criminal codes and systems around the world put very tight restrictions on how long a person can be held under arrest without being charged—as little as six hours in some places. This can be very challenging for investigators, particularly where a suspect has been detained at the same time as a victim was recovered. Investigators may be placed under pressure to get an account from a witness or victim to support a charge. However, victims of trafficking (particularly for sexual exploitation) are not likely to be able to give a fully reliable account in very short time scales. This is why the use of reflection periods is crucial in jurisdictions where it is available.

### Victim status

Victim status in some countries is dependent on the person's cooperation with the criminal justice system: if they do not cooperate they are not regarded as victims. A decision on whether a person is cooperating or not may be required quite early in the investigation—a requirement that may have serious consequences for the victim. If the person is not assessed to be a victim they may not be eligible for important support measures.

## Relatives and friends

Traffickers may know (or be) the victim's relatives. Threats and perceived threats to relatives and friends are more common in trafficking cases. The consequence of this is that trafficking victim-witnesses may be reluctant to cooperate in an interview.

## Money

Most witnesses you interview are not going to lose money if the case you are investigating is prosecuted but in trafficking in persons cases there is a good chance they will because once the witness leaves the trafficking network, any income will stop. Even if this is a very small amount, it may be supporting a family in a country of origin where the income is more valuable. The family may face very hard times if the money stops. Victims do not consent to being trafficked, but may be trapped in a very difficult situation where they have to decide between cooperating with you and losing the little income they have.

Debt bondage of various forms is common in trafficking in persons investigations and may not just have implications for the victim: traffickers may know the victim's family and may have the capability to harm them if the victim doesn't pay the bond. This threat, stated or implied, can have a powerful controlling effect on the victim that is only rarely found in other types of investigation.

## Immigration status

Witnesses and victims in trafficking cases are more likely to be in a country illegally than in most general investigations. There is a danger they will say things that they feel will help them stay longer, adding another complication to assessing the accuracy of the witness

account. Where an account is completely factual the events may be so extreme that they are unbelievable, this scenario opens the possibility of a defence claim that the witness lied because of his or her desire to remain in a country.

Every effort should be made to corroborate the details of the account with material facts and establish the identity of the person you are speaking to. This may be very challenging in the tight time schedule you are likely to face.

## **Accommodation**

Witnesses in cases such as domestic violence and assault may need support in finding accommodation, but in most cases witnesses go back to their homes without the need for any help from law enforcement or other agencies in this respect. In trafficking cases it is very unlikely that this will be possible. Safe shelter accommodation and social support services are needed. Repatriation assistance for trafficked is likely to be required from law enforcement.

The accommodation for trafficking victims is generally supplied and controlled by the traffickers. Where a trafficker does not directly control the accommodation they are likely to know where the victim lives. It will be impossible for the victim (or other witnesses) to return to where they had been living after they have been interviewed or made a statement. Law enforcement officials should have the knowledge and skill to provide trafficked victims with safe accommodation or have the ability to make a referral to a safe accommodation service provider. Guidance on considerations when providing witness accommodation can be found in the module 12: "Protection of and assistance to victim-witnesses in trafficking in persons cases."

## **Age**

Victims may not give their correct age for a variety of reasons in trafficking in persons cases. Not giving a correct age can complicate a case with processes that are later found to be unnecessary, as well as making it more difficult to identify the victim and creating a significant inconsistency in the victim's account that may be exploited later by the defence.

You may be able to establish age by checking identity documents and making enquires at the origin location or you may have to use techniques such medical and dental examination. If you do use medical techniques you should do so in accordance with your legislation and the consent of the victim. Another result of this is that you may unknowingly use the wrong procedure to interview the victim, making their statements useless as evidence in a court of law.

## **Sexual offences**

Sexual offences in trafficking cases may be different from other apparently similar offences in a number of ways. Long-term victimization and the resulting trauma outlined both above and in other modules is just one reason. Complications may also occur because of the number of times the victim has been raped and sexually assaulted. Injuries and other evidence may come from offences that took place a long time ago, sometimes in other countries.

Victims of sexual exploitation should be examined by a forensically trained medical practitioner to establish, as far as possible, any material corroboration for the account. Medical examinations may also reveal material evidence the victim has not told you about because of perceived stigma and embarrassment. Such examinations should be conducted in accordance with your legislation and consent of the victim.

For further guidance on forensic examination see module 7: “Crime scene and physical evidence examinations in trafficking in persons investigations”.



### Self-assessment

Outline some of the key differences between interviews of suspected victims of trafficking in persons who are potential witnesses in court cases and those in other forms of crime.

## Interview concepts

Good practice in interviewing vulnerable and intimidated witnesses (both adults and children) enables them to give their best evidence in criminal proceedings. However, it is essential that police, social agencies, the prosecution and the defence, as well as court officials take account of the individual circumstances and expressed needs and wishes of each witness. Therefore, the following should not be regarded as a checklist to be rigidly worked through, but rather a helpful tool in planning and conducting interviews with the witnesses of human trafficking.

This section combines two concepts of interviewing: the PEACE model and Achieving Best Evidence (ABE) guidelines.

PEACE is an interview model used in a number of countries around the world that is applicable to interviewing suspects, witnesses and victims.

PEACE is an acronym that stands for:

Planning and Preparation

Engage and Explain

Account

Closure

Evaluate

The following summary gives a basic overview of the terms. They are explained in more detail later in the module.

## **Planning and preparation**

Planning and preparation covers many aspects of interviews. Trafficking in persons cases may require additional planning compared to other interviews, such as arranging interpreters, social supporters and accommodation.

## **Engage and explain**

In this stage, rapport is established. Engaging means forming a relationship or connecting with the person who is being interviewed. Explaining can be very broad, particularly in trafficking cases. Typically, the victim should be told what is going to happen in the interview, how information obtained might be used and victim's rights.

## **Account**

The initial phase is to obtain an uninterrupted account from the person being interviewed. This is sometimes known as "free recall." Interviewers follow this approach by expanding and clarifying the account. In many interviews, the final phase reviews and questions any inconsistencies in an account.

## **Closure**

In this phase the content of the interview may be summarized, the victim is given the opportunity to add anything and the victim is told what will happen next.

## **Evaluation**

When the interview is concluded, it should be evaluated to establish if the aims and objectives of the interview have been achieved, how the new information obtained in the interview affects the investigation, and how the interview went overall and what improvements could be made.

Where interviewers are part of a larger team, the evaluation should take place with relevant members of that team.

## **Achieving best evidence (ABE)**

ABE provides guidance on how to interview vulnerable and intimidated witnesses. It is generally used to interview victims of serious crimes such as sexual offences and serious assault. The ABE approach should be utilized in trafficking interviews and is applicable in every phase of an interview.

Please note that all victims of human trafficking are considered to be vulnerable witnesses.



### Self-assessment

What are the five stages of a victim-witness interview?

## Planning and preparing for interviews

### The importance of planning

This section mainly considers tactical, day-to-day planning for interviews. Appendix C gives some additional guidance for strategic planners.

Interviewing witnesses is a human process, not something that relies on technology such as video and tape machines. These machines can help make interviewing easier, reduce legal challenges in court and improve the quality of witness testimony, but they are not the most important aspect of interviewing: you are.

The techniques explored here can be used in any environment regardless of the technical equipment you have access to. An honest assessment of what you can achieve with the resources available, followed by planning to use what you actually have (not what you might wish to have) will help produce interviews of high quality.

Careful attention must be paid to planning the interview of vulnerable witnesses. Time spent during the planning stage will increase the chances of producing best evidence while minimizing the possibility of errors and inconsistencies at a later stage.



### Self-assessment

Why is planning for interviews of suspected trafficking victim/witnesses important?

### What is the story so far?

You cannot plan for an interview if you know nothing about the circumstances of the case. Your first step must be to find out as much as you can about the case before you start to plan the interview.

In trafficking in persons cases this can be difficult, particularly if the interview is taking place in the early stages of an investigation. Typical challenges are lack of a common language with a victim, and the recovered victim being found in circumstances that suggest he or she was trafficked but the victim is not willing to talk to you.

### Practical suggestions

- Review what you know about the person. Have they indicated what nationality they are? What language are they speaking? Where were they recovered: at premises of potential significance such as workplaces, brothels or transport facilities? How old are they saying they are? How old do they actually appear to be?
- Try to find out at least something about the country the person comes from: for example, where it is, the culture and level of development. Time and other pressures may mean this is far from perfect but it is a start you can build on as the case develops.
- Keep victims separate from each other and from suspects. Allowing association with other victims may lead to allegations they have made the account up. At the early stages of an investigation you may not be able to clearly identify who is a victim and who is a suspect. Seeing suspects is very likely to lead to intimidation. However, the need to keep victims separate has to be balanced with their need for support.
- Challenging a person on issues such as age at the outset of an interview is likely to hinder any efforts to build rapport. Identify the issues you are not happy with and plan how you are going to investigate or corroborate them in future.
- If the person has been recovered with others, review who they are, where they come from, what languages they speak, and consider making checks on domestic and international databases to establish what, if anything, is known about them.
- Where recovered by law enforcement, first responders, NGO staff or other witnesses, investigators should speak to these individuals and find out exactly what circumstances the trafficked victims were found in. If they were found with others, was there any evidence that one or more people had dominance or control over the suspected victims or others in the group? Ask what the suspected victims have said so far to the individuals that recovered the victims.
- The information you get from these enquiries should help create a general profile of the case. In some circumstances it may suggest you need to ask direct questions very early; for example, if you think the victim, her family or others may be at risk. More commonly such direct questions will give you background that will allow you to probe during appropriate points in the interview.
- The review of what is known is likely to suggest other lines of enquiry that need to be pursued outside the interview. These can include specific checks on the identity of the victim and general background research that establishes what intelligence is known about trafficking in persons from the victim's suspected origin location.

### Interpreters

In many cases you are likely to need an interpreter at a very early stage when planning an interview. Module 10: "Interpreters in trafficking in persons investigations" gives detailed guidance on the use of interpreters in trafficking cases.



## Other measures

Success in interviews does not only depend on what happens in the interview room. Other issues need to be addressed. These include risks to the victim and others, the victim's health, clothing, food, accommodation, residency status and potential repatriation.

Conduct a risk assessment of the victim and others as soon as you can. Use module 5: "Risk assessment in trafficking in persons investigations" to support this. In some cases you may need to ask direct and specific questions at a very early stage to assess risk. Depending on the circumstances, such questioning may have to take precedence over establishing rapport.

- You may need a psychological assessment of a suspected victim before you interview them (see below) but you may also need a more basic assessment of their physical health. Observations may show some obvious illness. Plan for an examination and ask them if they have any health problems.
- Give victims the choice of having alternative clothing. Clothing may be obtained by sponsorship from shops, local traders, victim service providers, including NGOs, or from police funds.
- Plan meals for the suspected victim. Avoid giving them detainee's/prisoner's meals. Meals should be appropriate to the person's culture and religion.
- Identify suitable accommodation. Such identifications should be risk assessed and appropriate to the particular case. You may be able to use accommodation provided by the State, local authorities or victim service providers, including NGOs. In some cases, accommodation may have to be provided out of law enforcement funds.
- Record details of everything you provide. Provisions should be adequate and decent but not extravagant.
- Start making enquiries as soon as you can to establish what rights of residency the suspected victim has. Make contact with immigration authorities where necessary. If it is possible to arrange a temporary residence permit in your jurisdiction, start the process straight away.

## Objectives of interviews

Victims of trafficking are vulnerable victims. Interviewers should be careful, considerate and respectful. However, it is important to remember the interview is not counselling. It is a method of getting evidence and intelligence. Every technique you adopt, and every question you ask should ultimately serve the objectives of a trafficking law enforcement interview. They are:

- To establish the full facts of the case and lay out a case history in as logical and sequential an order as possible;
- To use the facts to corroborate the victim's story and establish his or her credibility as a witness;

- To use the evidence to identify, arrest and successfully prosecute the traffickers;
- To continuously review risk to the victim's family, other victims and potential victims. Where risk is unacceptable, consider if further interview or use of the victim as a witness is desirable;
- To identify opportunities for proactive, disruptive or intelligence development investigations, either in addition to pursuing prosecution or as an alternative.

The following sections should provide you with a structure for interviewing a vulnerable trafficking witness. As stated earlier, annex A provides checklists that give ideas about what the content of the interview should be. The checklists are designed to highlight issues such as how traffickers "recruit" or obtain victims, how they exploit victims and how they do these activities at every stage of the criminal and commercial process that is trafficking. By combining the structure of the interview with the content of the checklists, you will give the interview the best possible chance of achieving the objectives of the interview.

The product of interviews conducted in this way can, of course, be used in court cases against traffickers. But they can also be used in other ways. For example, breaking down the interview into types of market and commercial processes allows you to precisely identify further investigations or enquiries in your own country or abroad.

## Written plan

Prior to conducting an interview, it is important to have a written interview plan. Trafficking victim interviews are likely to be complex due to the nature of the trafficking process, the number of people and locations that may be referred to and the effect of victimization on the witness.

A suggested structure of a plan is to list the stages of the interview (Planning and preparation, Engage and explain, Account, Closure and Evaluation). At each stage of the plan you can then record points to remind you to do certain things, tell the interviewee something or ask particular questions.

Using the guidance in the remainder of this module you can plan how you are going to use the principles of "Achieving best evidence" to conduct the interview at all stages. For example, at the "Engage and explain" stage you might record a note to tell the interviewee how you wish to record the interview and ask him or her if this is acceptable to them.

At the account stage you may wish to note specific questions you want to ask. You are likely to use the information you know already as the basis of questions, but you may also wish to use some of the suggested questions found in annex A of this module.

Listing the key points to be covered in an interview help maintain the focus of the interview which can be particularly helpful if the victim gives a very wide ranging account that contains a lot of detail not relevant to the investigation. A list prevents the interviewer(s) becoming lost in the details.

Written plans do not have to be complex. It is important to be flexible once the interview starts as you may be told things that change the plan completely.

## Planning meeting

An early planning meeting may be advisable between the police and the prosecution to discuss the issues involved. In deciding whether to formally interview a vulnerable witness, a balance should be kept between the need to obtain best evidence and the best interests of the witness. Agreement should also be reached on the form in which the statement will be taken. See “How is the interview going to be recorded?” below.

## Assessing the witness

Early individual assessment by an expert may be desirable to identify any particular difficulties that the witness may experience in producing a satisfactory statement during the interview.

The assessment should take place in the time between the victim first coming to the attention of the police, but before the first interview. Interviews prior to assessment should be confined to a small number of areas so as to protect the life of the victim or other victims or to prevent the escape of the suspect.

This assessment may be conducted by a doctor or other suitably qualified persons. Any assessment should comply with the requirements of your legislation should consider the physical and psychological condition of the victim. The material found in module 3: “Psychological reactions of victims of trafficking in persons” gives more detail on the effects and implications of the trafficking process on victims.

### Decisions based on assessments

There may be circumstances where an examiner concludes a person is either not fit to interview or the interview would cause significant further traumatization. Generally the advice in these circumstances is that the interests of the victim should come first. However, there may be circumstances where interviews should proceed despite this.

Although it may be a very difficult decision to make, it may be that an individual victim has information that could lead to the recovery of others at risk of serious harm. The individual victim may be harmed by the interview but the result of the interview could save many others. In other circumstances, it may be that a victim could not provide information to an evidential standard but could provide valuable information/intelligence.

Where a decision is taken to go ahead with an interview contrary to the recommendations of an assessment, interviews should only go as far as necessary to prevent serious wider harm. Extra support measures for victims may be required when this course of action is followed.

In all cases the decision is a balance of the harm done to an individual versus the benefits to another individual or individuals.

Some vulnerable witnesses may be unaccustomed to speaking to strangers. Witnesses who are intimidated may be frightened and may well need to spend time getting to know the interviewer before they are ready and/or willing to take part in an investigative interview.

Planning should take account of the abilities and possible disabilities of vulnerable witnesses. Additional time is likely to be required to ensure that witnesses are able to understand and respond to the difficulties and pressures placed upon them due to the need to make a statement/ declaration that will be acceptable to the court. Attention should be paid at all times to issues of age, gender, race, culture, religion and language. An expert or a responsible person, who knows the witness well, may be called to provide advice on whether the witness would benefit from any special protection or assistance measures.



### Practical guidance

Where possible, it is good practice to have a separate liaison officers to deal with issues not directly related to the interview.

This familiarization process may take some time (perhaps hours in some cases) and therefore, in their preparation, interviewers need to consider whether one (or more) meetings with a witness should be planned to take place prior to the investigative interview. Such meetings should comply with the requirements of your legislation. In some jurisdictions any such meeting would be regarded as an interview and recorded. Whatever your jurisdiction requires, it is good practice to record what was said during such meetings to avoid defence claims you have told the victim what to say in a statement or declaration.

Preparation should also consider the most appropriate location for the interview. Other considerations might include: regular breaks for refreshment as well as giving breaks to allow the witness to move around the room if the witness finds it difficult to sit still for longer than a short time.

## Location of interview

In many jurisdictions the location of the interview is determined by law. If this is not the case in your jurisdiction, the question is: Where should you hold the interview? Should the witness come to a setting familiar to the interviewer but alien to the witness or is it possible for he or she to be interviewed in a setting they are familiar and comfortable with?

Points to consider when deciding on the location include:

- Will the victim/witness be distressed if the interview is held in an unfamiliar location?
- Will there be a negative effect on their account if it is held in a familiar location?
- Can appropriate assistance and support (e.g. interpreters, health care, etc.) be provided at the chosen location? This is especially important in cases involving severely traumatized victims.

- Is the location secure, clean and free from interruptions and distractions where the interviewee cannot be seen or overheard?
- Is required equipment working and are necessary “consumables” such as tapes and interview record forms available?

Interviews should not take place at a victim's home or the place where they live.



### Practical guidance

- Some law enforcement agencies have access to sexual offence investigation rooms or suites. These often have interview rooms that are welcoming and comfortable and are likely to be a good place to hold an interview.
- Interviews may have to take place in locations that are not ideal; there are some simple things that can be done to make them as good as possible. Furniture can be re-arranged slightly so that tables and desks are not between the witness and interviewer. The most comfortable chairs available could be provided. Papers and litter can be cleared away. Arrangements can be made to make sure you are not disturbed during the interview and the room is as quiet as possible.

## How is the interview going to be recorded?

Interviews can be recorded in three basic ways: video, audiotape and a written record.

Deciding which format to use is not always as straightforward as it may seem. In some situations the choice is made for you: if you have no video facilities available, it is obviously not an option. Other factors that might determine the recording format include the choice of the witness, local policy and legislation, and tactical considerations.

It is very important that whatever method is used, the victim fully understands what is going to happen, how the record will be used, and that they give informed consent. If the witness may have to give evidence in court in support of his or her previous statement he or she should be told this. Similarly, they should be told how a declaration to investigators will be examined in court.

Where appropriate, take expert advice about the suitability of a method of recording. An example of a circumstance where you might do this is where, at the outset, a person appears particularly vulnerable or appears to have some form of mental impairment. Keep in mind that vulnerability or impairment may only become apparent as the interview progresses, and you may have to then reassess the chosen recording method. Expert advice may come from doctors, psychologists and specialist social workers.

Interviews with victims of trafficking may go on for a considerable period of time, sometimes over a series of days. A factor to consider when deciding on the method of recording is the possible cost involved.

In some circumstances it may be necessary to record an interview in a manner that is not ideal. For example, in situations where video or audio equipment is not available locally but there is evidence that someone will be put at risk of harm immediately or in the near future unless information is immediately obtained from the victim, recording in writing could be the only option.



### Practical guidance

- When the option of recording in writing is taken in urgent cases, it is advisable to use this method only to the extent required to prevent the harm. After that information has been obtained, it may be possible to delay the interview until a more appropriate method becomes available.
- If it is unavoidable to use methods such as interviews with contemporaneous notes, it is likely that a trafficking victim interview will go on longer than where other methods are used. Interviewers should do what they can to minimize the extra stress this may cause by breaking interviews into short stages and offering breaks.



### Practical guidance

#### Video

- For video recording, the guiding principle is to conduct the video interview in the best interest of the victim and in accordance with domestic legal requirements.
- Video is the preferred choice for interviewing vulnerable victims where the facilities are available. It has the advantage of showing the condition of the witness, revealing non-verbal signs, and in many cases, helps obtain a free flowing, natural account from a victim while reducing the number of interviews. This helps reduce the “secondary victimization” of the investigation process.
- In some jurisdictions, recorded video can be used as testimony in court. This may mean that a victim can be returned to the origin location (with appropriate support) without having to wait to testify in court or that interviews can take place in one country and be presented in court in another.
- Video interviewing does have some disadvantages even where it is available. Victims of trafficking may react in unpredictable ways; some investigators have reported that this can involve inappropriate “humour” that victims use as an emotional release. If used very shortly after recovery from a sexually exploitive situation, a victim may relate to interviewers in ways their experience has taught them to. Examples include hostility and aggression to the interviewer or sexually inappropriate comments. Recording this on video may add difficulties during the prosecution stage.

Victims may not be happy to be videoed for a number of reasons. A common fear is that the traffickers or their associates will obtain the tape and identify them from it. Some objections may stem from religious or other beliefs held by victims.

- It is possible to electronically disguise the person being interviewed but this may be both expensive and time consuming.
- Video interviews may have to be fully transcribed (e.g. every question and response written down) before it can be used in evidence in some jurisdictions. This is not the case in all jurisdictions.

### **Audio**

- For audio recordings, the guiding principle is to conduct the interview while considering the best interest of the victim and in accordance with domestic legal requirements.
- Audio has the advantage that it is more widely available than video, may be more portable, can be cheaper to operate and uses simple and robust technology. The account of the victim is recorded completely and the equipment allows a free flowing interview.
- It obviously does not capture the visible physical condition or non-verbal communications of the victim. This may have advantages in some instances and disadvantages in others.
- Using audio in trafficking interviews may help reduce victims concerns that they will be identified or their image will be used in some way to their detriment.

### **Written record**

- The written record method has the advantage that it is very simple and universally available. A written record taken in accordance with local legislation and procedures is also likely to be accepted by the courts of a jurisdiction with relatively little further work necessary.
- Disadvantages in trafficking investigations are that writing everything down is time consuming (this is particularly important considering trafficking victim interviews are likely to last a long time anyway), the process may break down the flow required during the initial account phase, and it is hard to record everything that is said. In many trafficking interviews, there will be a need for an interpreter. This adds a further complication because notes taken by the interpreter may not record everything stated by the interviewer, leading to the possibility of challenges to the accuracy of the statements in court.
- Where you are recording in writing it is particularly important that you use two interviewers, one to ask questions the other to record what is said. People have different strengths: decide who is best for each role.

## **Who should interview the victim?**

Many jurisdictions have legislation and established practice that will determine who should interview victims. If admissible in your legal system, it is good practice to have two interviewers, one to develop the victim's account and pose the questions, the other to act as observer (noting body language for example) and take general notes.

In case the chosen interviewer is not able to establish rapport with the victim, it is preferable to change the interviewer immediately.

### **Training interviewers**

The Netherlands has a requirement that interviewers of some vulnerable witnesses undergo training that lasts over a year.

At the present time there are number of units around the world that have a specific mandate to investigate trafficking. Some of these units have interviewers who have significant experience in interviewing trafficking victims. More generally, however, where specialist interviewers have been used, they have come from units that do not directly specialize in trafficking investigation, but commonly have experience in fields such as domestic violence and sexual offence investigations. In many cases, investigators have had no specific training interviewing vulnerable victims or have limited experience in conducting such interviews.

Each of these groups can bring different challenges to an investigation. At the heart of these challenges lies a tension between existing police investigation and interview practices and those appropriate for trafficking investigations.

A dedicated, full-time trafficking in persons specialist interviewing team may offer the best chance of success in interviewing a victim, but this is likely to be an expensive resource that few law enforcement agencies can afford. Other specialist units have some of the skills required, but not all.

Investigators with no previous experience or training in interviewing vulnerable witnesses may deal with the victim as they would with any other witness. It has been observed and reported that some investigators challenge a victim's account too early and at inappropriate stages.

If at all possible, interviewers trained in working with vulnerable witnesses should be used to interview victims of trafficking. There is clear evidence of the vulnerability of victims of trafficking for sexual exploitation. Although there is limited evidence of the impact of other forms of trafficking on victims but they too should be considered vulnerable.

### **Gender of interviewers**

Although some countries have legislation requiring that female victims of some crimes be interviewed only by female interviewers, there is evidence that some victims relate better to members of the opposite sex. The reasons for this are not entirely clear, but may be related to cultural and individual experiences.

The gender of an interviewer does not guarantee particular qualities. Both men and women may be compassionate, motivated and professional; equally, both may be disinterested, rude and incompetent.



### **Police rationale for using male interviewers**

It has been reported from some jurisdictions that male officers have been used to interview suspected trafficking victim-witnesses in sexual exploitation cases because it is argued this educates victims that not all men are like their traffickers.

This approach has the danger that it imposes your values on the victim, reduces the victim's sense of control and the interviewer could be very intimidating. Using a male interviewer with a female trafficking victim for this reason alone would not be appropriate.

Where it is possible to give a choice of gender of interviewer, such decision should be made freely by the suspected victim.

It is also important to continually reflect on relationships during an interview and whether those relationships are working in the best interests of the victim or not. Gender is only one possible factor if the relationship is not effective but it is one that should be considered.

Many trafficking victim interviews will require an interpreter, and in some cases, a social supporter present. The role and management of both groups requires considerable care and attention. Never use the same interpreter (or social worker/appropriate adult) to interview suspected victims and the suspected trafficker.

### **Use of non-governmental organizations (NGOs)**

Various policies for using staff of non-governmental organizations (NGOs) and other bodies are found around the world.

In some countries, law enforcement staff and NGO representatives conduct some trafficking victim interviews jointly. Law enforcement officers who have used this approach report that it offers an effective blend of skills and can help build rapport and trust with suspected victims.

Other countries, take this one step further. In these jurisdictions early interviews and early assessment is conducted by NGO staff. Only when it is assessed that the victim is ready are law enforcement interviewers brought in.

At the other end of the spectrum, some countries only allow NGO representatives into law enforcement interviews in very limited circumstances and place restrictions on them. They may be allowed to be present but not participate in the interview. In some jurisdictions, they are not allowed in at all.

Although there may be benefits from NGO participation, it carries the risk of challenges from the defence alleging that the NGO interviewer was not impartial, asked leading questions during the interview or coached responses from the witness.

Criminal justice practitioners should be aware that NGOs are likely to have different terms of reference from their own when dealing with trafficking in persons cases. Many of these terms of reference will be compatible with the aims and objectives of those of the criminal justice system, but there may be conflicts of interest in some areas. An example is cases where the funding of an NGO may be dependant on the identification of victims. It is possible this need for funding could lead to a less than objective assessment of what a suspected victim is saying.

The common theme found around the world is that law enforcement-NGO cooperation is crucial in combating trafficking in persons. Whatever model your country uses, there must be very clear understanding between law enforcement and NGO about roles, responsibilities and restrictions in the interview. It is also important that such agreements include legal issues such as how the record of the interview will be used and who can have access to it. It is recommended that these agreements are recorded in writing and agreed by all parties before interviews take place.

## Social support/use of intermediaries at interview

The role of a “social supporter” or intermediary is likely to be determined by your legislation. Intermediaries in some jurisdictions are there to assist the witness to understand the interviewer, and the interviewer to understand the witness. This is not a translation role but one of assisting communications where a person may not be capable of understanding due to mental or physical impairment or because the victim is young. In other jurisdictions intermediaries may be restricted in the support they can give. Whatever the precise role, intermediaries should not interfere in the interview, change what is being said or persuade interviewees to change their story.

If the intermediary already knows the witness, then useful information concerning that witness's communication methods will be available. If this is the case, then it should be established in the planning phase that the intermediary has played no role in the events in question. Also, the planning phase should take account of the extra time that may well be required if an intermediary is to be used in the interview.

If possible, you should find out if the person wants someone present prior to the interview, and if so, who this person should be. The interviewer must explain to the interview supporter that he or she should not prompt or speak for the witness, especially on any matters relevant to the investigation.



### Practical guidance

- Where you need both an interpreter and a support person in an interview you must have two people. One person cannot do both jobs.
- In some jurisdictions there is a legal requirement to have a victim support person present when a vulnerable person is interviewed. In some jurisdictions, social supporters are obligatory in certain circumstances regardless of consent (for example, some countries require such

support during juvenile interviews). In other cases, consent may be required before a supporter is used. In any event it is good practice to clearly explain what is proposed and obtain consent whenever you can.

- Care should be taken when deciding on who should offer support in trafficking cases. It is likely that the victim (particularly in sexual exploitation cases) will only have “friends” and associates who are linked in some way to the trafficking. Whenever you use someone the victim knows you must be very careful.
- A “friend” of the witness may have links to the suspected traffickers.
- Under no circumstances should a social supporter be used if they are suspected of being involved in the events under investigation.
- Even if there is no link between the support person and trafficker, the supporter may be easily identified, threatened or corrupted, particularly if they come from a small community.
- The witness may not be giving genuine consent to having a support person during the interview due to intimidation of the effects of victimization.
- Be particularly careful if a person offers help for which you have not asked.
- Planning and conducting interviews that involve a social supporter takes more time than interviews without the presence of a supporter because you have to locate the supporter, brief them and make sure they can attend for the proposed duration of the interview.
- Social services, NGOs and voluntary organizations may be able to help, but care also has to be taken here. The supporter will probably have to commit a lot of time to the witness; accounts from victims of trafficking can be very disturbing to hear and victims may display various distressing symptoms. If the supporter does not expect this or cannot cope with it, they may leave, possibly leaving the witness (and your investigation) in a worse condition.
- You may be able to find a professional or NGO member who knows the suspected victim-witness who would be appropriate to use as a social supporter/intermediary.

Where you do not feel it is appropriate to have a social supporter in an interview, or your legislation prevents it, consider using them at other stages of the process such as immediately before or after the interview.

## Interview duration

“Pace and duration” (below) gives some guidance on the particular issues faced in trafficking victim-witness interviews. A significant feature is that these interviews are likely to take a lot longer than interviews in many other investigations. This should be taken into account at the planning stage, particularly when deciding who will be able to conduct the interview, the availability of interpreters, etc. and how frequent and how long rest periods should be.

## Intimidation

If it is suspected that the witness’s evidence could be adversely affected by threats and intimidation, careful consideration should be given to the support necessary to deal with such intimidations. Module 12: “Protection of and assistance to victim-witnesses in trafficking in persons cases.” gives guidance in this area.



### Self-assessment

What steps are required when planning for an interview of a suspected trafficking victim-witness?

What needs to be considered when planning and preparing for an interview with a trafficking victim-witness?

## Engage and explain

### Interviewer behaviour

When you meet people you do not know, you may behave differently from how you usually would. Vulnerable people can often sense the unusual behaviour and may identify the behaviour as a sign of discomfort.

In most trafficking cases it is unlikely you will have met the person you are interviewing before; there is also a good chance that the person will be from a culture other than your own, even possibly from a culture you know little about. They may speak a different language to yours and have few life experiences in common with you. It is understandable if you feel uncomfortable in these situations.



### Practical guidance

- Monitor your behaviour throughout the interview, and to try to keep it as normal as circumstances allow. Interviewers should particularly think about how they will manage the opening minutes of the interview.
- Interviewers should try to avoid being uncomfortable or unsure how to behave with people whom they have rarely encountered. You should be reassuring and sympathetic but avoid behaviour that vulnerable witnesses may find demeaning, insincere or patronizing.
- To get accurate information from a vulnerable witness you must be sensitive to the communication needs of the witness and to your impact on the interview. Try to focus on the witness as a person rather than on their vulnerability or their role as a possible source of evidence
- Whenever possible, explain to the witness the reasons for the types of questions being asked. If the victim better understands the purpose of the questions, they are more likely to cooperate and feel less frustrated.
- Some vulnerable witnesses may choose to place themselves nearer to or further away from you than other witnesses. Be aware of your own reactions to this decision.
- You should try to act in a friendly and helpful way to vulnerable witnesses, but without displaying signs of unease, anxiety, and embarrassment.

- Some vulnerable witnesses may not be able to communicate with you in a way you would expect them to. The witness may not have much experience in communicating with strangers.
- Be sure to use non-sexist and non-discriminatory language and attitudes when engaging with the victim.

All vulnerable victims are likely to be traumatized and disturbed. Trafficking victims may have been abused for a long period of time, by many people, and in intimate ways. Control over their lives may have been taken from them months or even years ago. The effect of this is an unusually deep, long lasting and powerful traumatization, one that may result in victims behaving in a number of ways investigators may find hard to understand and cope with.

Although we use the term “victim,” it should always be remembered that victims of trafficking are also survivors; to survive they will have developed ways to cope, one of which is likely to be suspicious of what anyone, including you, tells them.

The behaviour this combination of circumstances leads to can include reacting in an unpredictable, angry or aggressive way towards you and any other practitioners.



### Practical guidance

It must be acknowledged that this will be difficult to deal with. Preparation before the interview will help create situation that is as comfortable as possible. Consider these options:

- Speak to those who have worked with the victim already to develop a picture of what has happened to them so far in the process.
- If a victim has already formed a positive relationship with a first responder or another individual, consider meeting the victim with the person they are familiar with before the formal interview. Talk about neutral things, like checking that they have had something to drink and eat, etc. and explaining the processes.
- Try to find out some basic things about the culture that the person comes from. There may be information held by your agency, or some NGOs may be able to help, and neutral questioning of the victims could also be useful. Interpreters and some support workers may also be able to help. Be careful though: cultural identity is complex, and just because someone speaks their language or has met people from their culture before, it does not automatically mean they will be able to give suitable advice.
- Check with other people in the interview (e.g. interpreter, support person, social worker) to find out what they think the witness feels about you. They may have noticed the witness is not comfortable with something, or the witness may have told them they are unhappy. Find out what the problem is and do what you can to change it or explain it to the victim.

## Pace

Many vulnerable witnesses will require that their interviews occur at a slower pace than others. Both research and best practice have found that interviewers will need to:

- Slow down their speech rate;
- Allow extra time for the witness to take in what has just been said;
- Provide time for the witness to prepare a response;
- Be patient if the witness replies slowly, especially if an intermediary is being used;
- Avoid immediately posing the next question;
- Leave space for periods of silence—this also allows you to prepare the interview further.
- Avoid interrupting the victim.

The interview should occur at the pace established by the witness.

In cases where you are using an interpreter you should use short phrases. These phrases should be part of concise questions.

Allow time for the question and response to be interpreted before asking further questions.

## Breaks

Not only will interviews with vulnerable witnesses typically be conducted at a slower pace than those with other witnesses, but these interviews will usually involve more breaks and pauses. Many vulnerable witnesses will not be able to concentrate for as long as others, and some of them will also require regular comfort breaks. The interviewer should agree with the witness on a simple sign (e.g. the use of a special card) that the witness could use to request a break. The break can provide an opportunity for refreshment. Such breaks should never be used as an inducement to witnesses.

Breaks should be allowed for religious observance.

### Breaks and control

Interviews with victims of trafficking may go on for a period of days, due to the significant levels of trauma experienced by the victim and the impact this trauma has on their cognitive process. Planning for breaks may have to take into account the need to break overnight a number of times.

Joint agreement between yourself and the witness about breaks is a simple way you can start to give victims of trafficking a sense of control, which is particularly important in helping them start to recover. Returning control is also likely to improve the accuracy of the account you receive.

## Duration

Interviews of suspected trafficking victim-witnesses may take longer than in general cases because of the effects of trauma and complexity of the cases. Long interviews are likely to be very stressful for victims. The need for a full and accurate account should be balanced with the victims need to recover. Interviews should be kept as short as possible in the circumstances.

## Establishing rapport

The opening stages are critical to an interview's success.

A substantial rapport phase will allow the interviewer time to become more familiar with the witness' preferred method of communicating, and to become more competent with this method. This phase should also allow earlier decisions made during the planning phase to be revised as necessary.

### Starting an interview

- Say who you are, your position and that you are experienced in this kind of work and, if applicable, that you have met and interviewed people in similar situations before.
- Explain the “here and now” situation to the trafficked person. Explain the purpose of the interview and the role of others who may be present in the interview e.g. the interpreter, other police officers, etc.
- An explanation should be given about how the interview will be recorded. This may be as simple as saying, “I will speak to you and my colleague will note what we say,” or it could be explaining the use of technical equipment used such as video. Ask if the interviewee is comfortable with the way the interview will be recorded.
- In cases where you have very limited information, you may decide to run an initial interview with the objective to find out enough information in order to develop a plan for further interviews.

Another major aim of the rapport phase is to help the witness, and indeed the interviewer, to relax and feel as comfortable as possible. As interviewers become more familiar with interviewing vulnerable witnesses, they may become tempted to shorten their rapport phases. This temptation should be resisted, because while the interviewer may now be more familiar with such interviews, the witnesses will not be.

### First interviews

The first interview can be a very general one with the primary aim of establishing a rapport with the interviewee. In some cases it may be appropriate to have a number of rapport-building interviews before you move on to evidential matters.

In some jurisdictions numerous interviews over a period of time may be used to suggest the victim was coached by the interviewers. Speak to prosecutors if you are going to use this approach to allow them to plan a response to defence challenges and to be prepared to explain the reasons to a court

The interviewer should not mention the alleged offence and directly related topics in the rapport phase. Typically, the witness should be invited to discuss “neutral” events in his or her life (for example, interests or hobbies, where appropriate for that witness). Be careful when talking about the interviewees’ family in trafficking cases: it may cause distress due to long separation and fears about what they may say if the victim is returned or discusses the trafficking experience.

At an appropriate point in the rapport phase, if the witness has not spontaneously mentioned it, the interviewer should briefly discuss with the witness the reason for the interview in a way that does not refer directly to an alleged offence. Interviewers should be aware that while some interviewees will, from the outset, be very clear concerning what the interview is about, other interviewees will not.

Some witnesses may feel that their initial, lawful cooperation with a person who subsequently committed an offence may make them blameworthy. The interviewer should also bear in mind that some vulnerable witnesses will assume that because they are being interviewed they have done something wrong. The interviewer may need to reassure the witness on this point, but promises or predictions should not be made about the likely outcome of the interview. So far as possible, the interview should be conducted in a “neutral” atmosphere, with the interviewer taking care not to assume, or appear to assume, the guilt of an individual whose alleged conduct may be the subject of the interview.

In addition, being interviewed is an unusual occurrence for individuals who are probably unaccustomed to conversing with someone who questions the substance of the victim’s statements. This is particularly so in an interview with a stranger who is also an authority. A witness could enter the interview confused about its purpose, anxious about its process and outcome, and possibly distressed by prior events. Furthermore, some witnesses may not comprehend why they are being interviewed about embarrassing, painful experiences that they may have been told to keep quiet about.

Interviewers should be aware that asking someone to provide information frankly and in detail about personal matters (e.g. involving sex) is asking the person to discuss something in a manner they have learned to avoid. The interviewer should tell witnesses that they will not be asked questions out of curiosity but because a detailed account of the crime is required. Giving such detail in this situation is not breaking with convention. Also, interviewers should be aware that some interviewees might prefer initially to write rather than say aloud sensitive words or phrases.



### **Sexually explicit language**

Interviewers should familiarize themselves with explicit words for sexual activity and their slang equivalent. In the rapport building phase it may not be appropriate to clarify sexual words. Where there is doubt about what words or phrases mean they should be noted and the interviewer should tactfully ask the victim to explain what is meant at a later stage in the interview.

It is important that the interviewer does not display embarrassment or revulsion by blushing, facial gestures or any other form of verbal or non verbal signs.

Some witnesses may be unhappy or feel embarrassed or resentful about being questioned, especially on personal matters. In the rapport phase, and throughout the interview, the interviewer should convey to the witness that she/he has respect, sympathy and understanding for how the witness feels.

A witness may be apprehensive about what may happen after the interview if she/he does provide an account of what happened. Such worries should be addressed.


It may be that some vulnerable witnesses do not perceive the need to produce full and detailed accounts of their experiences. Thus the need for a full account should be explained, without putting undue pressure on the witness. When discussing “neutral” events the interviewee can be encouraged, if appropriate, to provide free recall and to appreciate that it is the interviewee who has the information. It may well prove problematic to attempt to proceed with an interview until rapport has been established. Some witnesses are not used to relating to strangers. Indeed, many are taught not to do so. Should establishing rapport prove difficult it may be preferable to postpone the interview rather than proceeding with an interview that may well turn out to be of no benefit.

### **Lack of shared experiences**

Establishing a rapport with a victim of human trafficking may be complicated by a lack of shared experiences between the interviewer and victim. A lack of common experiences makes it difficult to talk about neutral subjects. This is likely to be a difficulty with many vulnerable victims, but even more likely in human trafficking cases due to cultural differences.

Victims of trafficking may also have different assumptions about people with authority to those victims you may have dealt with in the past even where the victims were vulnerable.

In cases of trafficking for sexual exploitation, talking about sex is difficult in any culture; in trafficking in persons cases the cultural background of the victim may be one where sex is never discussed at all. You should be prepared for such cases.

	<b>Self-assessment</b>
<p>Identify the elements required to engage with a trafficking victim-witness in an evidential interview.</p> <p>When starting an interview, what should be explained to the victim-witness?</p> <p>When should an interview not proceed to the Account stage?</p> <p>How should rapport between the interviewing officer/s and the victim be developed and maintained?</p>	

## Account

### Free narrative

If you have been unable to establish rapport with the witness, there is little point in continuing and you should consider terminating the interview. Other reasons for terminating the interview include the health (physical and mental) of the victim, risks you have identified to the victim and others or that the victim is either unable or reluctant to provide you with any useful information.


After closing the interview you should evaluate what has happened, identify any action that needs to be taken, and review how the case should proceed.

If you decide it is appropriate to continue with the interview, the witness should be asked, wherever possible, to provide in her/his own words an account of the relevant event(s).

Witnesses are likely to expect you, as a figure of authority, to control the interview. However, a witness interview requires that information flow from the witness to the interviewer. Some vulnerable witnesses may think you already know much or all that happened and that they are expected to confirm your version of events.

It is crucial that you tell witnesses, in a way that they understand, that you do not know what happened to them until they tell you.

You should only ask the most general, open-ended questions in this phase. These questions should be about the general areas of life experience that are relevant to the investigation (e.g. "Is there anything that you would like to tell me?"). This type of question is one that inquires in a non-specific manner.

	<b>Practical guidance</b>
<ul style="list-style-type: none"> <li>• Be careful about asking questions about the victim's family when speaking about general life experience. Some trafficking victims may be happy to talk about their families, but others may be very anxious about their family finding out what has happened to them. Be led by the victim here.</li> </ul>	

If the witness responds in a positive way to such questions you can then encourage the witness to give a free narrative account of events. During this stage you should help the victim talk and listen to what they are saying; do not interrogate the victim or challenge what they are saying.

Research has found that improper questioning of vulnerable people is a greater source of distortion of their accounts than memory deficits; thus it is essential to use appropriate questioning in the early parts of an interview. Make every effort to obtain spontaneous information from the witness that is not contaminated by you as the interviewer.

In the free narrative phase, the interviewer should encourage witnesses to provide an account in their own “words” by the use of non-specific prompts such as, “Did anything else happen,” “Is there more you can tell me?,” “Can you put it another way to help me understand better?” Verbs such as “tell” and “explain” are likely to be useful. At this stage, prompts should not include details about the case that the witness hasn’t already told you. Free narrative accounts from vulnerable witnesses tend to provide less information than non-vulnerable witnesses. Information from vulnerable witnesses may be as accurate as that of non-vulnerable witnesses, but they are more likely to be tainted by inappropriate questioning.

When recalling negative events, vulnerable witness may at first be more comfortable talking about less significant matters, and may only want to move on to more relevant matters when they feel this to be appropriate. Be careful not to put pressure on the witness to talk about things they are not comfortable with.

Vulnerable witnesses may pause and be silent, sometimes for a long time; avoid the temptation to interrupt. Witnesses may also repeat themselves and give irrelevant information; this should be anticipated and tolerated. Above all, avoid asking the witness if anything suspicious happened.

A form of active listening is needed, letting the witness know that you have heard what she/he has said. This can be done by reflecting back to the witness what she/he has just communicated. For example, if the witness said, “I didn’t like it when he did that” you might say as the interviewer, “You didn’t like it.” Take care not to subconsciously or consciously indicate approval or disapproval of the information just given.

If the witness has said nothing relevant to the investigation, you should consider whether or not to continue to the next phase of the interview (i.e. questioning). When making this decision, the needs of the witness and of justice must both be considered; in some exceptional cases you may decide to conclude the interview by moving directly to the Closure phase. After you have closed the interview, you should move to the Evaluation phase.



### Practical guidance

- Many witnesses in trafficking in persons cases come from cultures where law enforcement officers are powerful authority figures. This may mean these witnesses have a very strong expectation that you will lead them through the interview, making free recall particularly difficult to achieve.

- More than ever great care must be taken in the early stages of an interview with a vulnerable witness in trafficking in persons investigations because the process of victimization in trafficking in persons leaves many witnesses very open to suggestion. Experience has shown that in many trafficking cases the defence will exploit any hint that the witness has been led by the interviewer.
- Assess the risks continuously. Do not be afraid to decide to not continue an interview. If you do decide to stop it, review what you have been told and how such information may support a proactive, disruptive or intelligence investigation. Alternatively, you may decide that the witness may not be able to support an investigation leading to a court case, but you could continue the interview to get more information to support proactive, disruptive or intelligence operations.

## Compliance

Some vulnerable interviewees may try to comply with what they think the interviewer wants, particularly witnesses who see the interviewer as an authority figure. Also, some witnesses may be frightened of authority figures. You should do what you can to not present yourself as a figure of authority.

Many vulnerable people are very concerned about presenting themselves in the best possible light. Even though they may not understand a question, vulnerable witnesses may prefer to answer it than to say that they do not understand. Saying that one does not understand a question can be taken to be implying that the interviewer or witness is at fault. Some vulnerable people will prefer to avoid such implications. Interviewees who feel they have some control over their lives have been found to display less compliance than those who feel they have no control. This is one reason why allowing the witness some control over the interview is likely to improve its quality.

Interviewers should clearly explain in the Rapport Phase that because they were not present at the event(s), they might unwittingly ask questions that witnesses do not understand or questions that they cannot answer. They should explain that if they do ask such questions, they would be very happy for witnesses to indicate that they don't understand, don't remember or don't know the answer. Interviewers should also make it clear that if the witness does not know the answer to a question, then "I don't know" responses are welcome. This will also help to avoid witnesses feeling under pressure to fill in parts of the event that they did not witness or cannot remember.

If communication becomes difficult it may be helpful, where appropriate, for the interviewer to say "Can you think of a way to tell me more?" or "Can you think of a way to show me what you mean?" or "Is there a way I can make this easier for you?"

If the witness has communicated something that the interviewer feels needs to be clarified, but the witness presently seems reluctant or unable to do so, it may be better that the interviewer return to the point later rather than be insistent.

## Agreement and conforming

Vulnerable witnesses may always answer “Yes” when they are asked “yes/ no” questions, even when an almost identical “yes/no” question is asked later but with the opposite meaning. This is not just because the victim is vulnerable: if the questions are complicated or asked in an authoritarian way witnesses may simply find it easier and less stressful to keep saying “yes.”

You could also find that the witness always says “No” to a “yes/no” question. A common reason for this is that they are being asked about behaviour that is not acceptable within their own culture.

Although “yes/no” questions are often used in everyday conversation, do your best to avoid using them when interviewing vulnerable victims. It is often possible to change a “yes/no” question to an “either/or” question, and research has found that this produces more reliable responses than a “yes/no” approach. Even when “either/or” is used a small number of people will always agree with the second option. A technique you could use to find out if this is happening is to think about which option is more likely to be correct and sometimes put it first, other times put it second. The same method is good practice if you cannot avoid using “yes/no” questions.

## Styles of questioning

### General approach

During the free narrative phase of an interview, most witnesses will not be able to recall all relevant information that is in their memory. In the free narrative phase, the witness is asked to try to remember what has happened and tell you about it. Many vulnerable people find this difficult for a number of possible reasons: they may not be able to remember, they may have tried very hard to forget painful memories or they may feel frightened or stressed.

Their accounts could greatly benefit from asking appropriate questions that assist in further recall. However, both research and best practice have found that vulnerable interviewees may well have great difficulty with questions unless:

- The questions are simple;
- They do not contain jargon;
- The questions do not contain abstract words and/or abstract ideas;
- They contain only one point per question;
- Questions are not too directive or suggestive.

It is important to understand that there are various types of questions that vary in how directive they are. The questioning phase should, whenever possible, start with open-ended questions and then go on, if necessary, to specific questions and closed questions. Leading questions should only be used as a last resort.

When questioning a witness, interviewers may wish to ask various types of questions about one issue before going on to ask questions about another; this is good practice in terms of how memory storage is organized. Questioning on each issue should normally begin with an open question.

### **Open-ended questions**

Open-ended questions are ones that are worded in way that allows the witness to provide an unrestricted response. They also allow the witness to control the flow of information. This type of questioning minimizes the risk that interviewers will impose their view of what happened. Such questions usually specify a general topic which allows the witness considerable freedom in determining what to reply.

Open-ended questions can also be used to invite the witness to give more detail about incomplete information they provided in the free narrative phase. For example, "You've already told me that the person who hit you was a man. Would you please describe him for me?"

If the witness responds to open-ended questions, avoid interrupting even if the witness is not providing the expected type(s) of information. Interrupting the witness takes power from the witness and suggests that only short answers are required. If a witness tells you something you do not understand, do not interrupt them. Wait until they have finished and then try to clarify what they have said.

Avoid asking questions involving the word "why:" it may be interpreted by vulnerable people as you blaming them in some way. Don't repeat a question soon after the witness has provided an answer to it (including "Don't know" responses). Witnesses may interpret this as a criticism of their original response and give a different response that is closer to what they think you want to them to give.

When being questioned, some witnesses may become distressed. If this occurs, consider moving away from the topic for a while, and if necessary, go back to an earlier phase of the interview (such as the rapport phase). You may need to do this a number of times in an interview.

Some witnesses may find it easier to describe the general pattern of the events before recalling the detail. Giving a general outline of what happened may well help them recall specific events. Do not ask questions about specific events too early in an interview.

Most witnesses, whether vulnerable or not, will recall correct information about events but it may not be in the correct chronological order.

### **Specific questions**

Specific questions can be asked in a non-suggestive way to clarify, develop or add to the information the witness has given.

Although some particularly vulnerable witnesses may not be able to provide information in a free narrative phase nor be able to respond to open questions, they may be able to respond to specific questions. However, be aware that specific questions should not unduly suggest certain answers to the witness.

For some vulnerable witnesses open-ended questions will not assist them that much to access their memory, while specific questions may well do so. One problem here is that the more specific questions become, the easier it is for them to be suggestive.

### **Closed questions**

Closed questions are ones that provide the interviewee with a limited number of alternative responses. As long as the question provides a number of sensible and equally likely alternatives it would not be considered suggestive. Some vulnerable witnesses may find closed questions particularly helpful. However, at the beginning of the use of closed questions, try to avoid using ones that contain only two alternatives (especially yes/no questions) unless these two alternatives contain all possibilities (e.g. "Was it day time or night time?"). If questions containing only two alternatives are used, these should be phrased so that they sometimes result in the first alternative being chosen and sometimes in the second alternative.

Some vulnerable witnesses may only be able to respond to closed questions that contain two alternatives. Even in such circumstances, it should still be possible for you to avoid an investigative interview being made up largely of leading questions. However, such interviews are likely to require special expertise and extensive planning, especially about the questions to be asked.

If you do use closed questions, it is particularly important to remind the witness that "Don't know," "Don't understand," or "Don't remember" responses are welcome and that you don't know what happened. If a witness replies, "I don't know" to an 'either-or' question (e.g. "Was the car large or small?") try to avoid then offering a compromise 'yes-no' question (e.g. "If it wasn't large or small, would you say it was medium size?") that the witness may just agree with.

### **Leading questions**

A leading question is one that implies the answer or assumes something is a fact. Whether a question is leading depends on the nature of the question and on what the witness has already said in the interview. The defence may object to evidence from a leading question, with the result that it may not be allowed to be heard in court.

Psychological research suggests that interviewees' responses to leading questions tend to be determined more by how witnesses are questioned rather than by what they remember.

If you ask a leading question regarding important facts of the case that have not already been described by the witness, the interview is likely to be of very little value in a court case.

Where a leading question produces a response that reveals important evidence, you should not follow it up with more leading questions. Instead, go back to the more “neutral” types of questioning described above. This is particularly important when the evidence the witness revealed wasn’t actually related to the leading question to which they were responding.

A leading question that succeeds in prompting a witness into providing information spontaneously beyond that led by the question might be acceptable. However, unless there is absolutely no alternative, you should never be the first to suggest to the witness that a particular offence was committed, or that a particular person was responsible. Once such a step has been taken, there is a very strong chance the suspect and defence will argue that the witness would never have said it if the interviewer had not put the idea into the witness’ head.

Some witnesses may be so vulnerable they will go along with anything interviewers say, no matter how ridiculous the question. This shows the interviewer as incompetent and also provides grounds for the defence to challenge the evidence of the witness in court.

When forming your questions, try to use information that the witness has already provided and words/concepts that the witness is familiar with (such as for time, location, persons).

Some vulnerable witnesses will experience difficulty if the questioning moves on to a new topic without warning. To help witnesses, you should indicate a topic change by saying, for example, “I’d now like to ask you about something else.”

As noted earlier, many vulnerable witnesses will have difficulty with questions unless they are simple, contain only one point per question, do not contain abstract words and lack suggestion and jargon. Although you may be familiar with certain words and terms, the witness may not be and could misinterpret what you are saying.

Check that witnesses understand what has been said by asking them to tell you what she/he understands you to have just said. Just asking the witness, “Do you understand?” could result in an automatic reply of “Yes.” If they do not understand a question, some vulnerable people will still attempt to answer it to the best of their ability by guessing at what is meant, possibly producing an inappropriate reply.

Some vulnerable witnesses are not likely to be aware that what they are saying will be tested in court proceedings whether that is by direct cross examination in court or by determinations based on declarations they have made to the police. If interviewers decide to repeat one or more questions later on in the interview, even with changed wording, they should also explain that it does not necessarily indicate that they were unhappy with the witness’ initial responses; they just want to check their understanding of the witness. Otherwise some vulnerable witnesses may believe that the questions are being repeated solely because their earlier responses were incorrect or inappropriate or that they were not believed.

The questioning of vulnerable witnesses requires extensive skill and understanding on the part of interviewers. Incompetent interviewers can cause vulnerable witnesses to provide unreliable accounts. However, interviewers who are able to put into practice the guidance on questioning contained in this document will provide witnesses with much better opportunities to present their own accounts of what really happened.





### Practical guidance

Styles of vulnerable victims questioning in trafficking cases are the same as those used in any other case. How you need to apply those styles in a trafficking interview may differ in the following ways:

- Trafficking victims' extreme loss of control over their lives could mean they will tend to comply and agree more with the interviewer. As has been mentioned a number of times, giving control back in simple ways may help to prevent this. Also, make sure that you continually check that the witness is comfortable saying they do not understand, or will challenge you if they do not agree with what you have said.
- Lack of a common language is also likely in trafficking cases, bringing with it the possibility of misunderstanding what has been said, why you asked a question, or why you are conducting the interview in a certain way. Briefing the interpreter and social supporter about how you plan to run the interview before it occurs may minimize this risk.
- Cultures can vary in how people communicate with each other in different situations. This, together with attitudes to authority, can lead to misunderstanding or over compliance. Witnesses' response to different questioning styles should be actively monitored to identify what is most appropriate to them and will achieve the objectives of the interview. Again, interpreters and social supporters may also be useful resources at the planning stages and in the interview.
- It may be helpful to ask questions regarding certain dates that are significant to the victim, such as his/her birthday, or some other significant anniversary, to help them more accurately place some of the chronological events relating to their victimization. This can help establish a set of chronological landmarks so that events can be placed in the context of "before" or "after" certain dates.

## Understanding what the witness is trying to convey

Some vulnerable witnesses will have speech or other forms of communication that ordinary people find difficult to understand. At appropriate points in the interview, and especially in the closure phase (see below), you should reflect to the witness what the interviewer believes the witness to have communicated. When the meaning of the witnesses' communication is unclear, she/he could be asked, for example, to "put it another way" or "Can you think of another way of telling me?"

Interviewers need to be aware that the common human frailty of ignoring information contrary to one's own view may be even more likely to affect interviews with vulnerable people whom they are having difficulty understanding, and/or may believe to be less competent than other persons. Research on interviewing has consistently found that interviewers ignore information that fails to fit in with their assumptions about what may have happened. One important role for the accompanying interviewer (if there is one) is to check that the lead interviewer does not ignore important information provided by the witness.

## Special interview techniques

It is strongly recommended that special interviewing techniques should only be used by people who have been trained in their use. These techniques are controversial in some jurisdictions and may not be admissible in court hearings.

Whichever special techniques are being considered for use in an interview, the emphasis must be on assisting witnesses to retrieve information from their own memories rather than suggesting things to them.

At the present time, little is known about techniques other than those described above that could further assist vulnerable witnesses. Witnesses who find verbal communication difficult may sometimes benefit from acting out or drawing the information they wish to convey. However, in such instances it is very important that the interviewer checks, in an appropriate way with the witness, that the interviewer has correctly understood what the witness was trying to convey.

## Objects to assist recall

The use of items similar to those involved in the event to be remembered may assist recollection. However, they may also cause the witness distress. Furthermore, it may not be certain which items were actually involved, and the introduction of incorrect items may mislead and/or confuse the witness. Similarly, models or toy items may be misleading if the objects they represent were not part of the event being described. Some vulnerable witnesses may not realize the link between a toy or model and the real-life object it is supposed to represent.

## The cognitive interview

The cognitive interviewing procedure (CI) contains procedures based on good communication skills (many of which have been described above), as well as a number of procedures specifically designed to assist witnesses access their memories. These procedures are usually referred to as:

- Mental context reinstatement (MCR);
- Change the order of recall;
- Change perspective.

MCR is based on the theory that if you put someone back into the context where an event occurred it will enhance the person's memory of it. People can be physically taken back to a scene or asked to remember things about the scene. An example of "mentally" putting someone back would be to say "You are sitting in the room now. Describe what you are hearing". This might be followed by "You heard music. Describe that music".

MCR can be effective but has also been associated with creating "false memories".

An example of changing the order of recall would be to ask a person to give an account from most distant to most recent event and then changing it from most recent to most distant.

Changing perspective means asking a person to imagine they are viewing a scene from a different position.

A number of professionals who have worked with vulnerable witnesses recommend the use of CI. However, research has found that unless the training of interviewers who attempt to use CI has been appropriate, they will fail to use this technique effectively and could confuse the witness. Also, some witnesses may not be able to benefit from each one of the CI procedures (e.g. very young witnesses may well not be able to “change perspective”).

Interviewers and their managers need to be aware that techniques that assist witnesses to produce more recall will result in interviews that last longer. Surveys of those who use the CI have found that they often report it to be effective. However, their workloads and their supervisors put them under pressure not to conduct interviews that are time consuming. Such pressures should be resisted for interviews with vulnerable witnesses.



### Practical guidance


- In trafficking cases, the series of events experienced by the victim may be extremely complex, having taken place over a long period of time and in a number of locations. CI runs a particularly high risk of causing further confusion in trafficking victims.
- Some vulnerable witness interviewers are reluctant to use techniques such as changing the order of recall, but will use techniques that pause an interview while a victim is asked to try to recall all that a particular sense was telling them or what other senses were telling them.

## Other techniques

Other techniques to assist witnesses to give accounts are being developed. A process of supportive reconstruction may be very helpful in assisting witnesses with mental disorders to recall situations and memories. This involves repeatedly working through the context of the memory, reflecting back on what has been established so far, and cueing witnesses to relate what happened next (the phenomenological approach, i.e. events perceptible to the senses and relating to remarked phenomena or events). If this technique is employed, it is essential that the interviewers follow and not lead the witness.

When free recall and questioning has produced little information of relevance but suspicion remains high, a facultative style of questioning could be used with witnesses who are particularly reticent. This can involve asking about nice/nasty things, good/bad people, what the witness would like to change in her or his life, or similar techniques. For those who have been put under pressure to not disclose certain matters, an open-ended discussion of secrets

may be introduced. Such methods may be successful for those trained in these styles of questioning. If the interviewer avoids any suggestive questioning and succeeds in encouraging the witness to give an account, there should be no reason why evidence gained in this way should not be considered by the courts.

	<b>Self-assessment</b>
<p>What is “free narrative” in an interview?</p> <p>What does “compliance” mean in the context of a vulnerable victim-witness interview?</p> <p>What are open-ended, specific, closed and leading questions?</p> <p>How does the nature of trafficking in persons cases affect the various techniques used in vulnerable person interviews?</p> <p>List special interview techniques and explain who should (and should not) use them.</p>	

## Closing the interview

### Recapitulation

During this aspect of closing the interview the interviewer may need to check with the witness that the interviewer has correctly understood the evidentially important parts (if any) of the witness’ account. This should be done using what the witness has communicated, not a summary provided by the interviewer (which could be mistaken but with which the witness may nevertheless agree). Care should be taken not to convey disbelief.

### Closure

The interviewer should always try to ensure that the interview ends appropriately.

Although it may not always be necessary to pass through each of the above phases before going on to the next, there should be good reason for not doing so. Every interview must have a closing phase. In this phase, it may be a useful idea to discuss again some of the “neutral” topics mentioned in the rapport phase.

In this phase, regardless of the outcome of the interview, every effort should be made to ensure that the witness is not distressed and is in a positive frame of mind. Even if the witness has provided little or no information, she/he should not be made to feel that she/he has failed or disappointed the interviewer. However, praise or congratulations for providing of information should not be given.

The witness should be thanked for her/his time and effort and asked if there is anything more she/he wishes to communicate. An explanation should be given to the witness of what, if anything, may happen next.

Promises that cannot be kept should not be made about future developments. Particular care should be taken to avoid making promises about residency status, that a victim will not have to give evidence or that a person will be charged.

The witness should always be asked if she/he has any questions, and these questions be answered as appropriately as possible. It is good practice to give the witness a contact name and telephone number in case the witness later decides that she/he has further matters she/he wishes to discuss with the interviewer.

Not only in closing the interview, but also throughout its duration, the interviewer must be prepared to assist the witness in coping with the effects of giving an account of what may have been greatly distressing events (and about which the witness may feel some guilt).

At the conclusion of their interview, vulnerable or intimidated adult witnesses who are victims should be given the opportunity to make a victim personal statement to say what effect the crime has had on them, and to help identify their need for information and support. The statement should be taken in the same format as the witness statement, i.e. where a video-recorded interview has taken place, the victim personal statement should also be video recorded. Providing a victim personal statement (video recorded or written) is entirely voluntary.

Witnesses should be offered information as to where rapid help and support can be obtained. A leaflet listing names, addresses and telephone numbers of relevant individuals and agencies should be available for distribution to witnesses. Where possible, law enforcement officers should assist the victim in accessing such support and be familiar with how to make referrals in this regard.



### Self-assessment

Why is the closure phase so important?

Describe what is required in the closing phase of an interview.

## Evaluation

At this stage the interviewer should consider whether the aims and objectives of the interview have been achieved, how the knowledge discovered in the interview affects the investigation, how well they conducted the interview, and what improvements could be made in future.



### Practical guidance

- Always consider and assess any risks to the victim, their family or others that have been revealed in the interview.
- Evaluation should take place after each interview, no matter how short the interview was. Evaluation itself may be very quick: there may have been very limited objectives achieved in interviews in the early stages.
- Evaluation in trafficking in persons cases should also assess the mental and physical condition of the victim in light of what has happened in the interview. This may involve reference to experts such as doctors and psychologists.
- Use your written plan to identify which objectives have and have not been achieved.
- Work closely with other investigators and those managing the investigation to identify further enquiries to be made outside the interview and further points to explore inside the interview.

### Visits to sites described in the interview

After interviews, interviewees have, on occasion, been taken to locations they have described to corroborate the account and identify further investigative opportunities. Investigators report considerable success with this technique.

This tactic requires some care when planning. The most important consideration is the safety of the witness. They should only make visits with plain clothes officers, wherever possible in an unmarked car, there should be sufficient staff to both protect the witness and record what is being said. Any staff involved should be briefed about the risks and objectives of the visit.



### Self-assessment

What should you do when evaluating an interview?

Why is the evaluation phase important in the interview process?

## Further interviews

One of the key aims of video recording early investigative interviews is to reduce the number of times a witness is asked to tell her or his account. However, even with an experienced and skilful interviewer, a witness may provide less information than he or she is capable of divulging. A supplementary interview may therefore be necessary and should also be video recorded if possible. Consideration should always be given to whether holding such an interview would be in the witness' best interest. The reasons for conducting supplementary interviews should be clearly articulated and recorded in writing.

With particularly vulnerable witnesses, a decision could be made at the planning stage to divide the interview into a number of sections to be conducted by the same interviewer on different days, or at different times on the same day, with rapport and closure being achieved each time.

There is always the possibility that at a later time the victim may feel that the impact of the experience has been such that a second statement is needed. It is good practice to ask the witness if he or she wants to make a second impact statement immediately before the court hearing or between the hearing and sentencing. This enables the court to take account of any long-term trauma the victim has suffered, and prevents the defence from negating the original impact assessment by suggesting the victim no longer feels the same way months later.

## Summary

Interviewing victim-witnesses is a critical element of any trafficking in persons investigation. This section summarizes only the key points. Do not plan or conduct trafficking interviews based only on the content of this summary. It is essential that, at a minimum, you consider the whole content of this module. It is highly desirable that only properly trained interviewers conduct trafficking victim-witness interviews.

Victim-witnesses of trafficking are vulnerable victims and should be treated as such.

The objective of any law enforcement interview is to obtain an accurate account.

## How trafficking in persons interviews differ

Interviews with trafficking victim-witnesses differ from general cases in a number of ways. These include:

- Changing accounts—due to the effects of the trafficking process accounts of victim-witnesses may change over time.
- The trafficking process is a commercial as well as a criminal process. Interviews should have objectives of investigating an individual offence and identifying how commercial networks can be dismantled.
- Language—in some cases obtaining interpreters may be difficult because only a few people speak languages at a location. Small communities increase the chance interpreters may know victims or traffickers.
- Culture—investigators may be dealing with cultures they know little or nothing about leading to possible misunderstandings.
- Trust—due to their experiences trafficking victims may not trust investigators.
- Victimization and trauma—trafficking victim witnesses may be suffering from levels of trauma rarely seen in other victims.
- Criminal justice systems—trafficking cases are often very complex to investigate. Some criminal codes and systems around the world have tight restrictions that make trafficking particularly challenging to investigate.

- Relatives and friends—traffickers may know (or be known to) the victim’s relatives. Threats and perceived threats to relatives and friends can be common in trafficking cases.
- Money—trafficking victims may be receiving a small amount of money from traffickers. If this stops there may be serious consequences for victims’ families.
- Immigration status—trafficking victim witnesses may have irregular migration status leading to fear of prosecution, removal, etc.
- Accommodation—in trafficking in persons cases it is likely accommodation will have to be found for victim-witnesses.
- Diplomatic—trafficking in persons cases bring an increased likelihood investigators will need to consider diplomatic issues surrounding the interviewee.
- Age—for various reasons trafficking victims may not give their correct age. This may have consequences for procedures required for children etc.
- Sexual offences—victims of trafficking for sexual exploitation may have been raped and sexually assaulted by many people over a long period of time. This may produce profound and complex psychological reactions, including post-traumatic stress disorder. It may also complicate forensic strategies.

## Stages of victim-witness interviews

The five stages of a victim-witness interview are:

- Planning and preparing for the interview;
- Engaging with the victim witness and explaining the process and content of the interview;
- Account from the victim/witness is obtained;
- Closing an interview appropriately;
- Evaluating the content of the interview.

## Planning and preparing

Planning for interviews is important because well planned interviews produce the best evidence and reduce the likelihood of errors and inconsistencies.

What is known about the person being interviewed or “the story so far” should be established.

A risk assessment should be conducted as soon as possible.

Other measures should be taken, such as considering a psychological assessment, assessing the person’s physical health, providing appropriate clothing, meals and accommodation. Details of what is provided should be recorded. The person’s migration status should be established as soon as possible.

Objectives should be identified before the interview starts.



Because of the complexity of many trafficking interviews, it is good practice to have a written plan.

Consider having planning meetings between those investigating the cases, conducting the interviews and managing the prosecution.

Investigators should consider assessing the witness to establish if the person is psychologically well enough to be interviewed.

The location of the interview should be clean, comfortable, comply with the legal requirements of your jurisdiction and as acceptable as possible to the victim-witness. It is generally not appropriate to interview at victims-witnesses' homes.

The interview should be recorded in the most appropriate way possible after consider what you have available and practical issues of each method of recording.

Where possible interviewers should be trained, two interviewers should be used and the same interviewers should be used throughout the interview.

The gender of interviewers should be appropriate to the needs of the victim. Where possible victims should have a choice.

The need for social support/intermediaries for the victim should be considered. Great care should be taken to ensure intermediaries etc. are not linked to traffickers.

## **Engage and explain**

Interviewers should monitor their behaviour and adapt it to the needs of the interviewee.

Interviews should move at a pace appropriate to the needs of a victim. Regular breaks should be allowed. The victim-witness should be given some control over when breaks etc. take place. The duration of interviews should take the needs of the victim-witness into account.

Rapport should be established with a victim.

An explanation should be given of the interview process. It should include:

- Who the interviewer(s) is/are and their experience
- Purpose of the interview.
- Role of the interviewer and others present.
- How the interview is going to be recorded.

Consider conducting a first interview that covers general topics and does not directly deal with the offence under investigation.

If an initial interview indicates that the victim is so severely traumatized that obtaining an account would seriously affect his or her mental health consider terminating the interview and making alternative enquiries.

## Account

Interviews should open, where possible, by asking the victim to give a free narrative account. This is an uninterrupted account of relevant events in the victim-witness's own words.

Extreme loss of control by victims of trafficking may mean they are more likely to comply or agree with an interviewer.

Initial accounts should be developed by:

- Open-ended questions (allowing the interviewee to give an unrestricted response).
- Specific questions (direct question that develops, clarifies or adds to information).

Closed questions provide the interviewee with a limited number of alternative responses. Closed questions may help to focus a response but should be used with great care.

A leading question implies the answer or assumes something is a fact. Leading questions should only be used very rarely if there is no alternative.

Special interview techniques should only be used by people trained to use them.

## Closure

Recapitulate or summarize the main points of the interview to check the victim-witness has correctly understood the main points of the account.

Give the victim-witness an opportunity to ask questions about the interview.

Try to ensure the interviewee leaves in a positive frame of mind.

Give advice and guidance about further help and assistance that is available.

The interviewee should be told what is going to happen next.

Review for any new or changed risks the interview has revealed.

Evaluate every time at the end of the interview regardless of the length of the interview.

Assess the physical and mental condition of the interviewee after every interview and refer the interviewee to appropriate assistance and support if necessary.

Review your initial objectives to see if they have been achieved.

Identify further lines of enquiry.

# Annex A—Interview check list

The following checklists are divided into three areas:

- General points recommending the detail you to seek in all relevant responses from the witness.
- Sexual, physical and psychological abuse outlining best practice questioning when these forms of abuse are suspected.
- Trafficking markets and the five commercial processes providing comprehensive detail of how you may use questioning to identify how a particular trafficking organization or network operates.

Each case is different and there is some overlap in some of the questions suggested below.

It is recommended that you read though all the checklists and identify the questions that would be most appropriate for the case you are dealing with.

Remember, do not use these check lists just to create leading questions. The interview process should be conducted in the most appropriate way possible.

## General points

- There should be a full, detailed physical description of each named and unnamed suspect, together with descriptions of any vehicles and/or premises involved.
- It is important to obtain as much detail as possible concerning the interior of any premises and vehicles involved in the crime. Description of entrances, locks, furnishings, ornaments, pictures, or any other peculiar features about the premises may later prove to be important.
- Trafficked victims rarely know the registration numbers of vehicles they have been in, so it is useful to obtain detailed description of the condition of the exterior and interior of any such vehicle, such as damage, window stickers, pattern of seat covers, toys hung on the rear-view mirror, etc.
- The victim should always be asked if he/she has retained any documentary evidence, such as receipts or copies of advertisements, etc. If he/she has, they should be immediately seized, secured and sealed in evidence bags. The exhibits should be described in detail and exhibited by him/her in the statement.
- Trafficking victims should always be asked whether they have kept a diary of the events that have happened to them because they often do so. These diaries can include a detailed record of the money that has been earned in prostitution or other forms of exploitation and other vital evidential data. The interviewer will have to approach the issue with sensitivity because if one does exist, the victim may be reluctant to disclose it because it is likely to contain intimate and, as far as the witness is concerned, embarrassing material.

- If the victim has kept a diary, it should be seized, secured and exhibited in the usual way after the victim has been allowed to refer to it during the making of the statement.

## Sexual, physical and psychological abuse

This checklist sets out points of best practice in respect of the human abuse offences as follows:

### Abduction

Questions you may consider include:

- Where, when and how?
- Was violence used or threatened? If so, how was it inflicted, and what were victim's injuries?
- Were weapons used? If so, obtain full description.
- Was the victim drugged in any way? If so, obtain details such as method of administration— injection, liquid, inhalation?
- Was the victim told of the consequences if he/she tried to escape? If so, obtain full details concerning the nature of the threat and who issued it.
- Was anything said? If so, what was said, by whom, and in what language, dialect or accent? Any names or nicknames used?
- If the victim knows, where was he/she taken to and how was he/she taken there? How long did it take to travel from the abduction point to the detention point?
- Obtain full description of the place of detention; surroundings, could the victim hear voices or noises such as nearby trains or aircraft; any other details to identify the location?
- As stated above, obtain full detailed descriptions of the suspects, vehicles and premises.

### Unlawful imprisonment

Questions you may consider include:

- Where was the victim kept and for how long?
- Obtain full description of the interior and surrounding areas of the location
- How was the victim imprisoned? Was he/she physically restrained, and if so, obtain details of restraints, locks, means of access and egress, keys and who had them.
- If the victim was guarded, obtain full description of the guards and any conversations that took place.

- What was the extent of the imprisonment? Was the victim confined in one space or could he/she move around freely within a specified area?
- Was the victim told of the consequences for him/her if she tried to escape? If so, obtain full details of the nature of the threat and who issued it.
- In relation to the above points, were there any witnesses to any of the events? If so, obtain full details.
- Obtain full descriptions of suspects etc.

## Physical and sexual assault

Questions you may consider include:

- When did the abuse take place, and on how many occasions? Achieve exact dates where possible; use significant events to set the timing if exact dates cannot be ascertained (very often the victim will report that the abuse was so frequent, even daily, that single events blurred into one).
- Where did it take place? Obtain full description of the venues as outlined above: layout of the room, bed, sofa, furnishings; ornaments; clothing worn and/or damaged; bedding, sheets, duvet, colour, type.
- What was the exact nature and extent of the assault? Obtain full description of the injuries caused: Was the sexual assault vaginal or anal rape or forced oral or manual indecent assault? Obtain exact description of the state of penile erection, of the extent of penetration and whether ejaculation took place. Were condoms used? Were any weapons or other implements used?
- What was said to the victim during the abuse or threatened violence, and by whom?
- What was the context of the abuse—was it for sexual gratification or was the victim physically or sexually assaulted in order to intimidate, coerce or train him/her? Was it punishment because he/she had disobeyed instructions or attempted to escape?
- Did the victim demonstrate physically or verbally his/her refusal or lack of consent, and if so, exactly how did he/she do so? Did he/she inflict any injuries on his/her abuser during the assault? If so, describe the injury.
- With sexual assaults, trafficked victims often report that they neither said nor did anything to resist and that they simply submitted to the abuse in order to avoid a physical assault in addition to the sexual one. It is vitally important to record this condition, not only because the assault can amount to rape notwithstanding that refusal or lack of consent was not demonstrated, but because it illustrates the complete subjugation and enslavement of the victim.
- What was victim's physical condition afterwards, e.g. concussion, continuous internal or external bleeding, vomiting and nausea, etc.?
- Did the victim tell any other person about what had happened to him/her? If so, obtain the full details of that person and what was said.
- Did the victim require or receive any medical treatment for his/her injuries? If so, obtain details of doctor, hospital clinic, record made, etc.
- What was victim's state of mind and fear, both at the time and afterwards?

- What was said or done afterwards? Was the victim threatened with further abuse and, if so, in what context? Did his/her abuser(s) express regret?
- Obtain exact physical description of the attacker; any physical peculiarities such as tattoos, pierced ears, scars or marks, genital description and peculiarities, distinguishing voice, language, or accent, odour or perfume, the condition of his teeth and nails, etc.
- In relation to any of the above points, were there any witnesses to any of the events? If so, obtain full details.

## Trafficking markets and the five commercial processes

### Origin—recruitment and departure

#### Recruitment

Questions you may consider at origin locations include:

- Was the victim abducted? Or, was the initial contact between victim and trafficker voluntary? If so, who initiated the contact?
- If not voluntary, what were the means of coercion? Was the victim threatened or assaulted?
- What were the arrangements, and what did the victim understand the arrangements to mean? Did the victim know what he/she was going to be involved in?
- In case of sexual exploitation, was the victim aware that prostitution was intended, and if so, what form of prostitution was discussed—was it street walking, within brothels or call girl agencies?
- Was the victim deceived as to the real purpose for being taken from the origin to the destination? If so, what was he/she told he/she was going to do (legitimate employment such as office work, work peripheral to the sex industry such as lap dancing or hostess work, etc)?
- Did the victim sign a contract? If so, what were the terms of the contract?
- Where in the destination country was the victim told he/she was going to live and with whom?
- Did the traffickers know the victim's home address or any details of his/her family or other loved ones? Did they claim to know such details before he/she was trafficked?
- Did members of victim's family or other loved ones know of the arrangements?
- Was the victim sexually, physically or psychologically abused, or unlawfully imprisoned before he/she was trafficked? If so, obtain full details on the sexual, physical and psychological abuse.
- In relation to all of the above points, were there any witnesses to any of the events? If so, obtain full details.
- What is the age of the victim, and was his/her exploiter aware of this fact?
- Obtain full descriptions of each of the suspects in the recruitment phase.

## Advertising

Questions you may consider at origin locations include:

“Formal” advertising:

- Did the victim respond to an advertisement?
- Where did the victim see the advert—was it in a newspaper, magazine, contact directory, professional publication?
- If so, which one, and was it published locally or nationally? In which section did it appear—the personal columns, job vacancies, etc?
- Was it a radio or television advertisement—if so, what was the channel etc.?
- What was the exact wording of the advert—what was it offering and did it name a specific individual to contact?
- What did it relate to? (Well-paid foreign work, bridal or escort agencies, etc.)
- How was contact with the advertiser to be made—was it by personal visit, telephone, fax, e-mail or correspondence to an address or accommodation address such as a P.O. Box? If so, what were the numbers and details, etc?
- Did the victim keep a copy of the advertisement? If so, where is it?
- Is the victim aware of anyone else who responded to the advert?

“Informal” advertising:

- Who told you about the “work”?
- How do you know them?
- Who introduced you to them?
- What exactly did they say?
- How did you meet them?
- Where did you meet them?
- Did they tell anyone else?
- Do you know whom their friends, work colleagues, family, etc. are?
- Who have you seen them with? Can you describe them?

## Premises

Questions you may consider regarding origin locations include:

- Can the victim describe the conditions in which he/she was kept?
- Where was the victim detained—full description of the premises, furnishings, etc?
- If the victim was abducted, does he/she know where he/she was kept and can he/she describe the location and/or peripheral topographical features?
- Did the recruitment involve a visit to an office or agency premises? If so, obtain a full description

- Was contact made by a recruiting agent in a bar or nightclub? If so, obtain a full description of the suspect and the premises.
- Was the victim taken to and/or kept at any private addresses prior to leaving his/her country?

## Communications

Questions you may consider regarding origin locations include:

- How was contact made between the victim and the traffickers: postal service, P.O. Boxes, landline phone, mobile phone, fax, or e-mail?
- What were the numbers and/or addresses?
- Did the victim see any billing, and if so, what was the name of the subscriber?
- If it was a mobile phone, what was the make and does the victim know the network provider; did he/she ever see it displayed on the phone screen?
- Did the trafficker use a laptop computer or personal organizer? If so, what model were they, and did the victim know any details such as access codes, e-mail service providers, etc?

## Transport

Questions you may consider regarding origin locations include:

- Was the victim taken out of the country covertly or overtly?
- If covertly, by what means—road, rail, ferry and descriptions.
- If known, what was the exact date and point of departure and where was the border crossed?
- What identity documents did the victim have and in what name and nationality? How did he/she get the documents?
- Did the victim travel alone, or was he/she accompanied by other victims and/or traffickers?
- If the victim travelled overtly, what identity documents were used? Were they genuine or forged?
- If forged, what name was used and how and by whom were they obtained?
- Who took the victim to get the passport/identity document photograph, and where was it taken?
- If the victim used her own genuine passport/identity document or a forged one, was an entry/exit visa required?
- If so, which embassy visa sections were visited? Did the victim go in person or was he/she accompanied? If so, by whom? What date and time was the visit made? Was any fee paid, by whom and by what means? Was a receipt issued, and was it date and time stamped? Does he/she know the identity of the visa officer that dealt with the application? Can he/she provide a description?



- Were any other documents used to support the visa application, such as sponsorship letters, language school registrations, employment offers, etc? If so, what were the details, and does the victim have copies?
- Where were the travel tickets purchased, and by whom?
- By what means (cash, cheque or credit card) and with what name was the ticket purchased?
- What were the details of the carrier: coach, rail, ferry company or airline?
- What was the date and point of departure?
- Was the victim accompanied to the port of departure? If so, how did he/she get there, and with whom?
- Did the victim travel with other victims and/or traffickers, commonly known as “mules”? If so, obtain full details.
- Who checked in with whom and at what time? What luggage was checked in? Were any purchases made at the port of departure, and if so, by what means? What seats were issued and who sat next to whom on the plane, coach, etc.? Were any duty-free purchases made on the trip, and if so, by what means and by whom?
- Were departure control checks carried out? Was the victim examined by an immigration official, border guard or customs officer before leaving? Did he/she have to complete any forms? If so, whom were they handed to?
- On entry to the transit and destination countries, did an official examine the victim, and did he/she complete any entry documentation? If so, where and when and what name did he/she give?
- Did an immigration official examine any person travelling with the victim? If so, did they complete any documentation?

## Finance

Questions you may consider regarding origin locations include:

- What were the financial arrangements? Did the victim pay any money in advance, or was there an agreed “debt bond” arrangement? If so, how much was the debt bond for, and long was the victim being given to repay it?
- How were payments to be made: directly to traffickers in the country of destination or by bank or money exchange transfer to the country of origin or a third country?
- Was the victim told that he/she might have to pay additional costs in the country of destination (such as sleeping quarters, advertising or the rent of brothel premises etc)?
- How much money was promised to the victim for his/her work, and by whom?
- Was any money or other goods of value exchanged for the victim with a member of his/her family or other individual having some degree of control over him/her?
- Any information on banks, personal or business accounts and numbers, the location of the branch, used in the transactions during the trafficking. At any stage in the recruitment

and export phase, were bankcards, credit cards, traveller's cheques or store charge cards used by traffickers? If so, where, when and for what purpose, i.e., to pay for the travel tickets, visa application, duty free goods, etc?

- Was foreign currency purchased prior to leaving? If so, where, when and how was it paid for?
- Did the victim ever see rental or advertising billing or phone bills? If so, how were they paid and to whom?

## **Transit—transportation**

### **Exploitation in transit**

Questions you may consider regarding transit location include:

- Was the victim physically, sexually or psychologically abused whilst in the transit phase? If so, obtain full details regarding the sexual, physical and psychological abuse
- Was the victim unlawfully imprisoned during this period; if so, obtain full descriptions of the method and the perpetrators regarding the sexual, physical and psychological abuse
- Did the victim come to the notice of law enforcement or other agencies whilst in transit? Was he/she stopped by the police, or did he/she seek any medical treatment or claim any state benefits whilst in transit? Did he/she complete any official documents for any reason? If so, obtain full details.
- Was the victim required to prostitute him/herself whilst in transit? If so, obtain full details of the type of prostitution, venues, financial arrangements etc (see the section "Country of destination" below)
- Was the victim exploited in any other way whilst in transit?
- Full detailed descriptions of any additional suspects, premises and vehicles appearing in the transit phase.
- In relation to all of the above points, were there any witnesses to any of the events? If so, obtain full details.

Note:

If the victim says they have been exploited consider asking further questions contained in the destination phase and Exploitation sections.

### **Advertising**

It is rare that advertising is found in the transit/transportation phase of trafficking in persons.

## Premises

Questions you may consider regarding transit locations include:

- Where was the victim kept and by whom—obtain full descriptions.
- How long was the victim in the transit country and what was the nature of the conditions in which he/she was kept?
- Where did the victim visit during transit?
- Was the victim imprisoned within any transit country? Obtain full descriptions.

## Communications

Questions you may consider regarding transit locations include:

Consider asking the questions in the origin section in the context of transit and in addition:

- Did the traffickers use new phones in transit countries? If so, does the victim know how and where they obtained them, how they paid for them and for the phone call credits?
- Did the traffickers use any other form of communication in the transit stage? If so, who did what, where and when?

## Transport

Questions you may consider regarding transit locations include:

Consider asking the questions in the origin section in the context of transit and in addition:

- Date, location, and time of departure from the origin country, and entry into the transit country.
- What identity and/or travel documents was the victim using? Obtain full details.
- Where did the victim obtain documents?
- Were any persons travelling with the victim examined at the departure and entry points, and were any documents completed by them?
- Date, time and location of the departure point, and means of travel from the transit country
- Who was the victim with, and did departure officials examine them? If so, were any documents completed?

## Finance

Questions you may consider regarding transit locations include:

- How were tickets/accommodation paid for?

- Who paid the money?
- Who was the money paid to?
- Where were tickets etc. paid for?
- Who had access to money in the transit phase?
- Was any money drawn from banks etc?
- Was any money changed from one currency to another?
- Did any financial transactions take place that the victim-witness did not understand? Can they describe these?
- Who else was present when financial transactions took place?

## Locations of destination—reception and exploitation

### Exploitation

Questions you may consider regarding destination locations include:

All victims:

- Was the victim allowed to keep the identity and/or travel documents upon arrival or were they taken from him/her? If so, by whom and when was this done? Where were the documents then kept?
- Was the victim unlawfully imprisoned or physically, sexually or psychologically assaulted at this initial stage? If so, obtain full details as per sexual, physical and psychological abuse
- What form did the exploitation take: prostitution, forced labour, servitude, etc? Was the victim engaged in prostitution?

Victims of sexual exploitation:

- At what point did the sexual exploitation as a prostitute begin? Did the victim know that he/she was going to work as a prostitute?
- If not, at what point did the victim discover the truth and from whom?
- What type of prostitution did the victim engage in: street prostitution, off-street in apartment, house brothels, sauna or massage parlours, hostess or lap-dancing bars, or “call girl” escort agencies?
- If the victim engaged in street prostitution: what red-light area did he/she frequent and how did he/she get there? Did a trafficker supervise him whilst he/she worked?
- Did the victim come to the notice of police or other agency? Was he/she stopped or arrested and prosecuted for soliciting? If so, when and where and what identity did he/she use?
- If the victim engaged in off-street prostitution: Where did he/she work and how did he/she get there? Who took him/her to work? Which of the traffickers were aware that he/

she was working as a prostitute, and how did they know? Were they present in the brothel or on the street? Was his/her work discussed? If so, with whom?

- Was the victim supervised, and if so, by whom? What degree of liberty did he/she have? Could he/she leave the brothel or bar or agency unsupervised?
- Did the victim work with other prostitutes and/or maids or receptionists? If so, can he/she name and describe them?
- Was the brothel, bar or agency ever visited by law enforcement or other agency officials? If so, when, who visited, and was the victim required to give his/her name and any other particulars? If so, what name and details did he/she use?
- Whether engaged in “on or off-street” prostitution: what hours did the victim work, and what services was he/she required to provide to clients? Was he/she allowed any degree of choice as to which clients he/she entertained or which services he/she provided? Was he/she required to provide sexual services without contraceptive protection? If he/she refused, what were the consequences?
- What was the victim’s ability to speak the native language? Did he/she work from a written “menu” list? If his/her language ability was limited, who translated for him/her with the clients?

#### Questions for victims of other types of exploitation

- When did the exploitation begin?
- If the victim was to work, were working conditions different from what he/she expected?
- Was the victim living and working at the same place?
- Where did the victim work? How did he/she get there? Who took him/her there?
- Did the victim work with any other persons? Were they also victims of trafficking? Can he/she name and describe them?
- What hours did the victim work?
- Was the victim paid, and at what rate?
- Was there a debt-bondage arrangement? If so, how much did the victim owe, and at what rate was he/she required to repay the debt? How was it paid: directly in the country of destination, or was it sent back to the country of origin? If so, by whom, and by what means, to whose account was the money credited? Were any records kept of the repayments?
- Was the victim ever hit or threatened for doing bad work or working too slowly?
- Was the victim supervised and if so, by whom; what degree of liberty did he/she have?
- Did the victim ever come to the notice of police or other agency? If so, when, where and why? What identity did he/she use?
- What was victim’s ability to speak the native language?
- Was the victim required to pay additional infrastructure costs such as daily renting premises? If so, was he/she told about these additional charges before he/she left his/her home country?

- Was the victim threatened with or subjected to violent and/or sexual abuse? Was he/she threatened with reprisals against his/her family or loved ones? Were there any other control mechanisms such as cultural or religious points of coercion?
- Were the same control mechanisms used to ensure that the victim complied with the instructions given to him/her by the traffickers?
- Was the victim threatened to be reported to authorities, resulting in deportation and/or jail?
- What was victim's general degree of liberty? Could he/she move about freely, and what was his/her state of mind? Did he/she believe that his/her traffickers would implement any of the control mechanisms outlined above?
- Was the victim allowed to communicate with family members? Other workers? Was the victim allowed to make friends?
- Did the victim ask his/her offender if she/he could leave? Why? Why not? What happened?
- Was it possible for the victim to escape or seek assistance from law enforcement agencies? If so, did he/she attempt to do so? If not, why not? What was his/her state of mind on these points?
- Was the victim denied medical care, food, clothes or other basic necessities?
- Were others abused in front of the victim? If so, obtain full details.
- Was the victim sexually, physically or psychologically abused, or unlawfully imprisoned on any additional occasions? If so, obtain full details as per sexual, physical and psychological abuse
- Obtain full descriptions as to any persons, premises and vehicles that are part of the destination country phase and that are additional to those already mentioned in the origin and transit phases.
- A final summary as to the circumstances in which the victim is making the statement. Has he/she been rescued or did he/she escape by his/herself?
- In relation to all of the above points, were there any witnesses to any of the events? If so, obtain full details.

## Advertising

Questions you may consider regarding destination locations include:

- Does the victim know how their labour or services were advertised? In cases of sexual exploitation off-street, was it by some type of formal advertising (posters, internet, newspapers, word of mouth, etc.)?

## Premises

Questions you may consider regarding destination locations include:

- What was the first address the victim was taken to? Who took him/her there, and how did he/she travel there?

- On arrival, were other persons/victims present? What did the premises consist of? Can he/she describe the premises in detail?
- Did the victim stay in the same premises during his/her complete stay in the destination country? Who did he/she live with? Where was the victim taken to in the destination country? Did he/she change the premises during her stay?
- Obtain full description of any premises in which the victim was required to engage in prostitution or other forms of exploitation—including detail of the layout, decoration and any other peculiarities.
- If the victim was taken to any other premises as part of the trafficking process, such as embassy visa sections, other government buildings, hospitals, clinics, language schools or letting agent premises—obtain full details.

## Communications

Questions you may consider at destination locations include:

- Did you ever have access to a phone while you were here?
- Did you see phones being used?
- Who was using them?
- Do you know where those phones are now?
- What conversations did you overhear by people on those phones?
- Did you make calls or emails or write letters home?
- Who did you call, write to, contact?
- What did you say in those contacts home?
- If you emailed, where was the computer?
- Did other people use this computer? Who? For what reason?

## Transport

At destination locations the same questions asked at the origin location should be considered and additionally:

Entry into country:

- Date, time and location of entry point into the country of destination
- Was the entry covert or overt?
- If covert, what methods were used? Who was the victim with? What was the mode of transport, and was the vehicle stopped at the border crossing point? If by boat, where was the landing point, and who met him/her?
- If overt, what was the mode of transport? Did a law enforcement official at the border crossing point examine the victim? Did he/she complete any documentation such as landing cards, customs declarations, etc?
- What identity and/or travel documents was the victim using? Where are they and what are the full details?

- Did the employer/trafficker use the victim's identity for another purpose?
- Were any persons travelling with the victim examined at the entry point and were any documents completed by them?
- Was the victim met by anybody at the entry point? If so, by whom? Obtain full description.

While being exploited:

- At the conclusion of the shift, was the victim taken back to the "safe house" or did he/she remain in the brothel premises? If he/she went to a safe house, how did he/she get there and who took him/her?

## Finance

Questions you may consider include:

- What prices did the victim charge for his/her services? Can he/she state his/her average daily earnings and estimate the total that he/she earned from prostitution during the duration of his/her exploitation? How much (if anything) was the victim allowed to keep?
- What happened to victim's earnings? Were they it handed over to a trafficker/receptionist/"maid" after each client, or did he/she hand them all over at the end of the shift? Were any records kept?
- Did the victim buy any items for his/her exploiters with his/her prostitute earnings, such as jewellery or clothing? If so where and when, description and cost, existence and location of the items and any receipts?
- Was there a percentage split of victim's earnings between him/herself and the trafficker, or was all the money handed over? Who instructed him/her as to the scale of charges?
- Was there a debt-bond arrangement? If so, how much did the victim owe, and at what rate was he/she required to repay the debt? How was it paid: direct in the country of destination, or was it sent back to the origin country? If so, by whom and by what means? To whose account was the money credited? Were any records kept of the repayments?
- Was the victim required to pay additional infrastructure costs, such as daily renting of premises or for advertisements? If so, was he/she told about these additional charges before he/she left his/her home country?
- Was there a system of fines? If so, what how much were the fines and what were they for?
- Did the victim remit any money back home?

## Annex B—Information from first responders

The information passed from first responders should, where possible, include:

- How the victim came to the attention of the police;



- Language spoken by victim;
- Nationality (or suspected nationality of victim) and immigration status;
- Record of first account made to language line;
- What crime(s) the first responder believes are being alleged;
- Name given by victim;
- Age given by victim;
- Details of any impairment the victim may have, particularly when this means a pre-trial support person is required;
- Details of any health or other requirements that have been identified;
- Any action taken such as arranging forensic examination, searches, arrests made, etc. (but see comments below about taking this type of action).

## Annex C—Strategic planning

Strategic level planning ensures the availability of adequate resources such as equipment, staff and the means to train staff. While tactical planning concerns the day-to-day management and conducting of interviews.

As a strategic planner, your ability to select the right people for the interviewing, to motivate and inspire them, provide training and supervision is key.

Where you have a responsibility to plan trafficking in persons investigations at a strategic level, it is recommended that you develop your structures and put resources in place as soon as possible. You may wish to consider the following suggestions. It is important to remember that options available here cover all levels of development and resources.

The general rule is that you should use the best resources you possibly can.

Where you have resources to create a standing team you should recruit staff that have been trained in interviewing vulnerable witnesses. If you have no staff available that have been trained in vulnerable witness interviewing, look for those who have a good record of experience with such interviewing.

If a course already exists for vulnerable witnesses, consider sending your staff to the course. These courses may not be completely applicable to trafficking cases, but many of the skills used in sexual investigation interviewing, for example, are relevant in trafficking interviewing. Consider speaking to the Training Department to explore whether an existing interview course can be amended to include trafficking aspects.

Where no course exists, consider working with your Training Department to develop one. Use this UNODC material to help develop a course. Adapt it to include details of your domestic or local context.

Where additional training is not possible, use this material to familiarize your staff with the techniques used.

Speak to managers of the individuals you propose to use as interviewers to obtain the manager's agreement. Use this material to raise the manager's awareness of the issues around trafficking in persons and emphasize the importance of trafficking investigation and interdiction. Seek their comments on aspects like time commitment, which may cause them problems, and develop mutually acceptable policies and procedures.

Consider whether you are going to use NGOs as support in interviews. Find out if your legislation allows for this type of involvement.

If you do decide to use NGOs, establish protocols and agreements outlining roles, responsibilities and restrictions within interviews.

Consider what technical resources you can deploy to support trafficking in persons interviews. Be creative: some NGOs and other agencies can provide equipment that your unit may lack. Find out what they have available.

## **Suggested skills for interviewers**

If you are creating a trafficking in persons investigation team and looking for interviewers the following brief summary of skills may help in selecting appropriate staff:

- Questioning skills (particularly any evidence of appropriate questioning vulnerable victim-witnesses versus "interrogation" skills).
- Active listening skills.
- Observation skills: ability to recognize and respond to distress, anxiety, fear, etc.
- Ability to develop rapport with victim, while remaining professional (e.g., showing sympathy, acknowledging harm, patient, etc.).
- Ability to adopt a non-judgemental, non-blaming attitude (e.g., prejudices against caste, migrants, sex workers, women, men). Ability to reassure the victim that he/she has nothing of which to be ashamed, he/she is not to blame, etc.
- Cultural competency: willingness and ability to become culturally prepared/competent to work with persons with different backgrounds.
- Psychological preparedness to deal with highly distressing crimes.
- Professionalism: maintaining a professional but compassionate tone and style. No jargon and no swearing, but all the while still using words and terms that he/she chooses to use and understands. No inappropriate conduct (e.g., no physical contact, however well-intended).





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