

## **Subject Information Sheet for Lawyers, Conflict and Transition**

*You are being invited to take part in a research study. Before you decide whether or not to take part, it is important that you understand what the research is for and what you will be asked to do. Please read the following information and do not hesitate to ask any questions about anything that might not be clear to you. Thank you for taking the time to consider this invitation.*

### **What is the purpose of the study?**

This project will explore the role of lawyers in transitions from violence or authoritarianism. Although rebuilding the rule of law is central to the theory and practice of transitional justice, little research has been done to date on the role of lawyers outside the courts or indeed as the 'real people' at work in the legal system. Lawyers are often key actors in strategic litigation or popular mobilisation before transitions, in political negotiations prior to and during a transition, in enacting legal reforms and testing their meaning in the courts, and in shaping the work of past-focused initiatives that address issues such as truth, accountability and reconciliation. This project is investigating the role of lawyers as political actors in Cambodia, South Africa, Israel/Palestine, Tunisia and Chile. As part of the project outputs we will produce a series of academic publications as well as reports translated into local languages.

The project is led by Prof Kieran McEvoy (School of Law, Queen's University Belfast) and Dr Louise Mallinder (Transitional Justice Institute, University of Ulster).

### **Why have I been chosen?**

During the fieldwork, we will be interviewing key actors including national and international lawyers, academics, judicial figures and non-governmental organisation activists. Those interviewed will be selected based on a range of criteria including:

- professional seniority
- experience of working on conflict or human rights related cases
- experience of having represented 'progressive' and/or 'conservative' political forces
- knowledge and experience of debates within the professional groupings
- direct involvement in political negotiations and/or the design and implementation of transitional justice mechanisms

We will interview approximately 20 key actors in each of our case study jurisdictions.

### **Can I change my mind?**

If you do decide to take part, you will be given this information sheet to keep. You will also be asked to sign a consent form. If you choose to take part, you can change your mind at any time and withdraw from the study without giving a reason, and if you wish, all interview data that you provided will be destroyed.

### **Where will the interviews take place?**

The interviews can be conducted in your place of work or other mutually agreed location. Where appropriate, the project team will reimburse any travel expenses you incurred by attending the meeting.

## **What will happen during the interview?**

During the interview, you will be asked a series of questions relating to our project themes, such as:

- How do lawyers respond to periods of extreme political violence and state repression?
- How important are lawyers in wide-scale efforts at popular mobilisation in response to such activities?
- What is the particular role of legal collectives (e.g. bar councils, law societies) in broader public debates and vis-à-vis cause lawyers?
- What is the particular contribution of lawyers in terms of professional and popular understandings of the 'rule of law' at different stages of a conflict and transition?
- What is the nature of the intersection between litigation strategies and events outside the courts in conflicted and transitional societies?
- To what extent does the attitude of local lawyers towards international law and international legal actors influence legal understandings of the conflict and transition, the local political context and international understandings of the conflict and transition?
- How significant is the issue of gender in determining the role of lawyers?
- How relevant are lawyers in periods where political or military leaders appear more willing to negotiate and (if such negotiations succeed) in the design and implementation of political agreements and transitional justice policies?

The interviews should take approximately 40-60 minutes. They will be attended by both researchers (McEvoy and Mallinder) as well as possibly our local researcher. If necessary, the project team will also arrange for an interpreter to be present to provide consecutive translation.

## **Will the interviews be recorded?**

At the start of the interview, you will be asked if we can make an audio recording of the interview. You can pause or terminate the recording at any stage. If you prefer not to be recorded, the interviewers will take notes to ensure that we are accurately recording your views. No one outside the project will have access to these materials without your express consent. Following the interview, the digital recordings will be transcribed. Interviewees may request a copy of their interview transcript.

## **Confidentiality and Anonymity**

All interviewees are entitled to request that any information they provide be treated confidentially. If you request anonymity for the whole interview, in accordance with the Data Protection Act 1998, we will ensure that you are not identified by name on any of the files or data produced by the project. Furthermore, if we quote you at any stage, we will not identify you directly and we will redact the quote to remove any details that may identify you.

Similarly, if you ask to go 'off the record' during the interview, and we subsequently quote that material, we will not attribute it to you personally.

Under Freedom of Information (FOI) legislation in the United Kingdom, interested parties may request access to certain non-personal or generalised data produced by the project. If we receive FOI requests, we will comply with them but we will be careful not to release any confidential material.

We will make every effort to protect confidential material, but if any interviewees disclose information relating to criminal activities, such as the physical or sexual abuse of children, we may be required by law or court order to disclose that information to the police or prosecuting authorities. If this occurs, we will continue to refrain from releasing the material to other audiences.

## How will the data be stored and used?

All data collection, storage and processing will comply with the principles of the Data Protection Act 1998 and the EU Directive 95/46 on Data Protection, and the universities' data handling policies. During the fieldwork, all audio recordings will be backed up each day on an encrypted external hard drive and an encrypted laptop. In addition, following completion of the each stage of fieldwork, the data will be stored in encrypted folders on the research team's office computers and in the project folders on the Queen's University server. All stored interview data will only be accessible to the project team.

The interview data will be used primarily by the researchers to inform our understanding of the research themes. In some cases, excerpts of individual interviews will be cited by the researchers in academic publications and project reports. If you requested anonymity, this will be respected in all these outputs.

Additionally, following completion of the project, our funder requires that we archive our project data with the UK Data Service (for more information see <http://ukdataservice.ac.uk>) so that it can be made available to other researchers. We will only share information relating to your interview where you indicate on the consent form that you are happy for us to do so. If you requested that part of the interview be confidential, we will redact this information before sharing the information with the UK Data Service.

## What are the risks of taking part?

The risks are minimal as all interviewees retain control over the decision to take part in the project, which questions they wish to answer, whether they wish to provide information on a confidential basis, and how the information they provide can be used.

## Are there any benefits in taking part?

Interviews will contribute directly to a research project that informs our understandings of the role of the legal professionals in shaping political transitions. In addition, during the interviews, the research team will be asking all interviewees if there are any practical reports that we could produce to help them in their work. Depending on the scale and quantity of these requests, the research team will produce these practical materials, will translate them into relevant languages and make the freely available to our interviewees.

## Who is funding the research?

The Economic and Social Research Council fund this research project (for our project page on the funder's website see <http://www.esrc.ac.uk/my-esrc/grants/ES.J009849.1/read>). This is an independent source of academic funding in the United Kingdom.

## Contact details

For further information on the study, please contact

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**Thank you**