



Introduction. Opening the black box of international criminal investigations: Challenges of culture and practice

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Abstract

This Special Issue examines the everyday practice of international criminal investigations, focusing on how culture, communication, and technology shape what comes to count as truth. Drawing on interdisciplinary contributions, it shows that investigative work in post-conflict settings depends on the history of the conflict, the evidence that is available, institutional constraints, and how investigators and witnesses interpret and communicate events. The articles highlight the importance of cultural humility, careful communication from first contact to courtroom, and critical reflection on emerging technologies. Together, they demonstrate that improving international investigations requires context-sensitive practices that explicitly acknowledge uncertainty and reduce bias.

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Key words

International criminal investigations, eyewitness testimony, cross-cultural communication, cultural humility, open source intelligence

Resumen

Este número especial analiza la práctica cotidiana de las investigaciones penales internacionales, centrándose en cómo la cultura, la comunicación y la tecnología determinan lo que se considera verdad. A partir de aportaciones interdisciplinarias, muestra que la labor de investigación en entornos posconflicto depende de la historia del conflicto, de las pruebas disponibles, de las limitaciones institucionales y de cómo los investigadores y los testigos interpretan y comunican los hechos. Los artículos destacan la importancia de la humildad cultural, de una comunicación cuidadosa desde el primer contacto hasta la sala del tribunal y de una reflexión crítica sobre las tecnologías emergentes. En conjunto, demuestran que mejorar las investigaciones internacionales requiere prácticas sensibles al contexto que reconozcan explícitamente la incertidumbre y reduzcan los sesgos.

Palabras clave

Investigaciones penales internacionales, testimonios de testigos oculares, comunicación intercultural, humildad cultural, inteligencia de fuentes abiertas

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1. Introduction

International criminal investigations face distinct and often more demanding challenges than those conducted at the national level (Staniland *et al.* 2025). They take place in post-conflict settings marked by instability and broken or non-existent national justice systems, and they rely heavily on witness testimony about traumatic events. Investigators must work across languages and cultures, often with different understandings of justice, memory, and responsibility. Although international justice is frequently framed as universal in its principles and procedures, the realities of investigative practice are less uniform. In practice, these investigations are shaped by the specific historical context, the available evidence, and the perspectives of those involved, which inevitably affect what can be known and how conclusions are drawn.

This Special Issue brings together scholars and practitioners from different disciplines who examine these challenges from complementary perspectives. Drawing on work in psychology, criminology, anthropology, law, history, and emerging technologies, the contributions aim to make the day-to-day practice of international criminal investigations more visible and to reflect on how culture shapes the search for truth. The Special Issue grew out of the workshop “Opening the Black Box of International Criminal Investigations: Challenges of Culture and Practice”, generously funded by the European Research Council. Together, the articles highlight both the variety of challenges investigators face and the need for approaches that are sensitive to cultural context in investigative practice.

2. Investigating across cultures

The Special Issue opens with Vredeveldt and Ferra (2026), who argue for a cultural humility approach in international criminal investigations. Rather than relying on fixed, culture-specific interviewing guidelines, they show that investigators need to approach each interview as a unique interaction that cannot be fully anticipated (cf. Hope, Hawkins de Namor, *et al.* 2026). Cultural humility involves continuous self-reflection, awareness of one’s own assumptions and position, and a genuine effort to understand how interviewees see the world (Tervalon and Murray-García 1998). Drawing on empirical research with investigative interviewers, Vredeveldt and Ferra demonstrate that such an approach may not only increase interviewees’ well-being but also improve the amount and quality of information obtained.

From a different angle, Bouwknecht (2026) examines how international investigations are shaped by their historical and cultural context. Drawing on his experience as a historian, tribunal researcher, journalist, and practitioner, he argues that investigative practices developed in international courts do not always fit well with the societies in which they are applied (cf. Drenk *et al.* 2026a). In particular, Bouwknecht criticizes adversarial approaches that reduce complex histories to simplified legal narratives and focus more on procedure than on understanding context. He calls for investigations that are more firmly grounded in history, draw on multiple disciplines, and take serious consideration of the local contexts in which they operate.

Taken together, these contributions challenge the idea that international criminal investigations are neutral exercises in fact-finding (see also Nistor 2026). Instead, they show that such investigations are shaped by the backgrounds of investigators, the tools

they use, and the contexts in which they work, all of which influence what information is gathered, how it is interpreted, and what ultimately counts as “truth”.

3. Communication from contact to courtroom

Several contributions examine how communication influences the quality and fairness of international criminal investigations at different stages of the process. Schot (2026) draws attention to communication at the earliest stages of an investigation: how witnesses are identified and approached. She shows that risks to fairness and well-being already arise at this point, long before any formal interview or courtroom testimony (see also Kizilhan 2025). Drawing on case law and trial transcripts, she argues that the role of third parties in identifying witnesses is not well regulated and can leave victims and witnesses vulnerable. She makes a strong case that trauma-informed approaches (see e.g., Michels *et al.* 2024, Vredeveltdt *et al.* 2026) should be built in from the very start of an investigation, rather than only later in the process.

Moving to the interview stage, Hope, De La Fuente Vilar, *et al.* (2026) examine how small communication errors in interactions affect rapport and the exchange of information. Their experimental findings show that even apparently minor missteps can quickly weaken rapport (Oostinga *et al.* 2017), and that people from different cultural backgrounds respond differently when things go wrong (De Bruïne *et al.* 2025). For example, apologies appear to work better with Chinese participants than with participants from the United Kingdom (Hope, De La Fuente Vilar, *et al.* 2026). These findings highlight that expectations about interaction differ in important ways, and investigators need to be aware of this.

Drenk *et al.* (2026b) turn to the courtroom, examining coded language and euphemisms in trial transcripts from the International Criminal Tribunal for Rwanda (ICTR). Contrary to previous observations in international courts (e.g., Combs 2010, 2017), they find that such language is not as prevalent among Rwandan witnesses as often suggested, and is in fact more frequently used by expert witnesses than by those testifying about events. Their analysis shows how subtle features of language can affect how testimony is understood, translated, and evaluated.

These three articles collectively emphasize that communication in cross-cultural investigations is not just a practical issue to be managed. The cross-cultural context can fundamentally affect which information is shared, how it is interpreted, and how people are treated throughout the process, making it central to how investigations are conducted.

4. The role of technology in evidence collection and creation

Technological developments are rapidly changing how international investigations are conducted, often faster than institutions can keep up. Two contributions in this issue examine these developments from different angles. McDermott *et al.* (2026) examine the role of technology on the evidentiary landscape. Specifically, the authors focus on the increasing use of user-generated digital evidence, as well as AI-edited or -created content (cf. Aksamitowska 2021). Based on interviews with judges from the International Criminal Court (ICC), they show that there is cautious optimism about the value of user-generated evidence, particularly for corroborating other evidence. At the same time,

judges express concerns about the sheer volume of digital material, questions about authenticity, and the court's ability to properly assess it. Their accounts make clear that digital evidence is changing how facts are established, and that courts need better tools, training, and safeguards to deal with these challenges, especially given the rise of misinformation and deepfakes.

Combs (2026) places these developments in a broader perspective by reflecting on how international criminal trials have changed over time. Like McDermott and colleagues, she notes that one of the biggest shifts since the 1990s has been the increasing use of non-testimonial evidence, such as videos, messages, and social media content. These forms of evidence can corroborate or challenge witness accounts and reduce exclusive reliance on testimony. At the same time, she emphasizes that understanding how witnesses communicate remains crucial. Even in cases with extensive digital evidence, careful attention to cultural differences in communication helps ensure both accuracy and fairness.

Taken together, these contributions show that new technologies do more than add investigative tools; they reshape how evidence is gathered, assessed, and interpreted. This shift creates new opportunities alongside clear risks. Used without sufficient reflection, such technologies may introduce bias or foster a false sense of certainty. Responding to these developments therefore requires not only technical solutions, but also careful consideration of their limitations and consequences.

5. A practitioner's reflection

The Special Issue concludes with a contribution by Stewart (2026) that performs a function indispensable to the volume as a whole: it carries the theoretical and empirical insights developed across the preceding chapters back into the world of practice from which they ultimately derive their meaning. Theoretical analysis of investigative culture, however rigorous, remains incomplete until it achieves an effective and substantial reentry into the practitioner's world — until its claims are tested against, and made usable for, the daily realities of those who investigate, prosecute, and adjudicate international crimes. Stewart's reflection accomplishes precisely this reentry, and it is in doing so that the chapter contributes in an important way to the practical relevance of the volume.

Drawing on his extensive experience prosecuting international crimes, first at the ICTR during the early genocide trials and later at the ICC, he reflects not through formal empirical analysis but through the accumulated judgment of practice itself. He distills practical lessons from working with eyewitnesses, including victims and survivors. He emphasizes the importance of clear and transparent communication. This includes explaining procedures in accessible ways, remaining sensitive to cultural differences, and building a genuine human connection — with *rappport* again emerging as a key element (Brouillard *et al.* 2024), in line with other contributions in this issue.

In translating the volume's analytical themes into the register of lived practice, Stewart also demonstrates how cultural norms shape not only how witnesses remember and recount events, but also how investigations are conducted. Importantly, he notes that cultural norms are not confined to witnesses; they shape investigators, lawyers, and judges alike, from the investigation in the field to the courtroom. He concludes by

reflecting on the challenges of communication in international courts, where legal and cultural diversity is the norm, and argues that, in such settings, the ability to listen carefully and remain open to learning from others is often the most valuable skill. This resonates with the notion of cultural humility highlighted by Vredeveltdt and Ferra (2026).

Read in this light, the epilogue functions less as a coda than as a return to the practical realities of investigation and courtroom work, bringing the volume's theoretical insights back into dialogue with lived prosecutorial experience. In doing so, it reinforces the relevance of this issue for those engaged in the day-to-day practice of investigative work.

6. Conclusion

By opening the black box of international criminal investigations, this Special Issue highlights how these investigations unfold in practice. From the earliest identification of witnesses to investigative interviewing and testifying in court, what investigators see, hear, and present as "facts" is shaped by how they interpret information, the tools they use, and the contexts in which they operate. Across the contributions, it becomes clear that communication, context, and ongoing reflection are crucial to the quality and fairness of investigations, and that standardized approaches have clear limits.

This Special Issue invites readers and practitioners to reconsider how international investigations are conducted and to think about approaches that are more responsive to context and diversity. In doing so, we hope to contribute to ongoing conversations about improving the practice of international criminal justice and strengthening its commitment to truth, fairness, and humanity.

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