

Shifting Mindsets

From coercive interrogations
to effective interviewing



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association pour la prévention de la torture
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Introducing the Principles on Effective Interviewing for Investigations and Information Gathering



Law enforcement officials and investigating bodies play a fundamental role keeping communities safe and secure. They prevent and respond to crime, while upholding fundamental rights.

However, practices such as coercive interrogations and forced confessions undermine effective investigations and can compromise the entire justice system. They also place those being questioned at risk of torture or ill-treatment.

The Principles on Effective Interviewing - also known as the Méndez Principles:

- ✓ **Strengthen** the rule of law by ensuring strong safeguards are implemented in practice, from the time a person is detained or questioned.
- ✓ **Support** law enforcement and information-gathering officials to shift from ineffective interrogation practices to rapport-based interviews, that help them collect accurate and reliable information.
- ✓ **Benefit** law enforcement bodies, the justice system and will increase public trust in State institutions.





Principle 1 On Foundations

Effective interviewing is instructed by science, law and ethics.



Principle 2 On Practice

Effective interviewing is a comprehensive process for gathering accurate and reliable information while implementing associated legal safeguards.



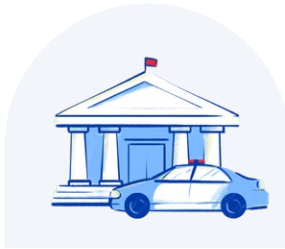
Principle 3 On Vulnerability

Effective interviewing requires identifying and addressing the needs of interviewees in situations of vulnerability.



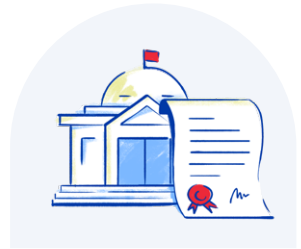
Principle 4 On Training

Effective interviewing is a professional undertaking that requires specific training.



Principle 5 On Accountability

Effective interviewing requires transparent and accountable institutions.



Principle 6 On Implementation

The implementation of effective interviewing requires robust national measures.

What do the Principles offer?

The Méndez Principles were developed by experts from police, investigators, justice actors and human rights experts, from all global regions and diverse legal systems.

The Principles are not a training manual for law enforcement. Rather they offer practical guidance for policy makers on how to strengthen human rights and administration of justice.

“These Principles improve the effectiveness and accuracy of evidence-gathering and prevent miscarriages of justice brought about by torture and coercion to confess.”

Juan Méndez

Former UN Special Rapporteur (2010-2016)
and Co-Chair of the Steering Committee of the Principles



To whom do they apply?



All interviewers: To all interviews by information-gathering officials, such as police, intelligence, military, administrative authorities, or others acting in an official capacity.

All interviewees: Primarily to interviews with suspects in criminal justice investigations, but also to interviews involving witnesses, victims or any other persons of interest. Needs of interviewees in situation of vulnerability are specifically addressed.

Where do they apply?



All situations: From criminal justice investigations to counter-terrorism operations and situations of armed conflict.

All interviews: To interviews that are straightforward or complex, as well as to repeat interviews.

All justice systems: Involving all legal traditions and cultures, regardless of the national legislation.

Whom do they assist?



Justice actors: Policy makers and authorities in charge of designing, adopting, and executing policies on interviewing and related-justice processes. This includes government representatives, legislators, directors of law enforcement agencies, training academies and disciplinary boards.

Interviewing professionals: All those involved in the conduct of interviews, including law enforcement officials, intelligence gathering agencies, judges, prosecutors, defence lawyers, and other authorities in contact with persons throughout the interview process.

Oversight bodies: National preventive mechanisms, national human rights institutions, civil society organisations, human rights advocates and others who assist persons deprived of liberty.

Main characteristics

- ✓ **Constructive**, by offering a concrete alternative to existing techniques of investigations, while seeking to improving the effectiveness and outcomes of the investigation processes.
- ✓ **Grounded in research and science** from many disciplines, including psychology, criminology and neuroscience. While coercive interrogations techniques are ineffective and counterproductive in producing accurate information, interviews based on a relationship of trust are effective in obtaining such information.
- ✓ **Practical** in their approach, interviewing officers are recommended to build their capacity on how to conduct effective and time-efficient interviews. This includes professional development, communication and soft skills and integrating these aspects into the curricula and performance evaluation of interviewing officers.
- ✓ **Holistic**, recognising that investigation and evidence gathering is part of the broader role of law enforcement.

“These Principles have to be included in police reforms as the human rights principles embedded in investigative interviewing techniques will be beneficial for police officers. It will reduce pre-trial detention, it will reduce the period of investigation and it will make policing and law enforcement jobs easier.”

Solomon Arase

Former Inspector General,
Nigeria Police Force



Benefits



What are the benefits for the interviewers?

Elicits more accurate and reliable information during interviews

Strengthens the capacity, efficiency and professionalism of interviewers

Eliminates reliance on unlawful, ineffective, and counterproductive coercive questioning techniques

Provides successful, affordable and accessible methods and practices, with minimal resources

Contributes to more effective information-gathering operations



What are the benefits for those interviewed?

Rights and dignity of persons in heightened situations of vulnerability are better respected

Physical and mental integrity of all persons detained or interviewed is protected

Safeguards and due process guarantees for all interviewees are upheld

No one is subjected to coercion, torture or other ill-treatment



What are the benefits for the justice systems?

Fosters greater public trust in and cooperation with criminal justice systems

Excludes torture-tainted evidence, and false confessions

Decreases unreliable information, incidences of wrongful convictions or acquittals and miscarriages of justice

Safeguards the integrity of justice processes and the effective administration of justice

Upholds the rule of law

Show your support



Express public support for the Principles



Share and raise awareness about the Principles



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