



association pour la prévention de la torture  
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## United Nations, regional and national documents/jurisprudence referring to the Principles on Effective Interviewing for Investigations and Information Gathering (Méndez Principles)

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## UNITED NATIONS RESOLUTIONS AND DECLARATIONS

### UN General Assembly (UNGA)

#### **Resolution on Torture and other cruel, inhuman or degrading treatment or punishment, General Assembly, UN Doc. [A/RES/77/209](#), 15 December 2022.**

16. Takes note with appreciation of the Principles on Effective Interviewing for Investigations and Information Gathering (the Méndez Principles), and encourages States to use them as appropriate through the implementation of national measures, including non-coercive interviewing methods and procedural safeguards, thereby operationalizing the presumption of innocence, ensuring that no person is subjected to torture or other cruel, inhuman or degrading treatment or punishment during questioning, as well as improving effective policing, criminal justice investigations, prosecutions, convictions and other forms of information-gathering processes;

Preamble: Recognizing further that police and other law enforcement officials play a vital role in the protection of the right to life, liberty and security of persons, and in serving the community and protecting all persons against acts of torture and other cruel, inhuman or degrading treatment or punishment, and that, in the performance of their duties, law enforcement officials are obligated to respect and protect the human rights of all persons, and in this regard, recognizing the importance of promptly and impartially investigating as well as employing non-coercive interviewing techniques and implementing associated legal safeguards to prevent torture and to effectively obtain accurate and reliable information

#### **Resolution on Human rights in the administration of justice, General Assembly, UN Doc. [A/RES/77/219](#), 15 December 2022.**

14. Emphasizes the importance of States' keeping under systematic review rules, instructions, methods and practices on interviewing, as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment under their jurisdiction, including by taking into account, as appropriate, the Principles on Effective Interviewing for Investigations and Information Gathering (the Méndez Principles);

#### **Resolution adopted by the General Assembly on 18 December 2019, UN Doc. [A/RES/74/143](#). Torture and other cruel, inhuman or degrading treatment or punishment.**

15. Welcomes the collaboration between practitioners, experts and other relevant stakeholders on the elaboration of a set of universal standards for non-coercive interviewing methods and procedural safeguards aimed at operationalizing the presumption of innocence, improving effective policing and ensuring that no person is subjected to torture or other cruel, inhuman



or degrading treatment or punishment during questioning, and encourages the continued collaboration between practitioners, experts and other relevant stakeholders towards this goal;

**Resolution adopted by the General Assembly on 19 December 2017, UN Doc. [A/RES/72/163](#), Torture and other cruel, inhuman or degrading treatment or punishment.**

41. Takes note, in particular, of the collaboration between practitioners, experts and other relevant stakeholders on the elaboration of a set of universal standards for non-coercive interviewing methods and procedural safeguards aimed at operationalizing the presumption of innocence, improving effective policing and ensuring that no person is subjected to torture, ill-treatment or coercion during questioning;

See also para. 40.

#### **UN Office on Drugs and Crime (UNODC)**

**Kyoto Declaration on advancing crime prevention, criminal justice and the rule of law: towards the achievement of the 2030 Agenda for Sustainable Development adopted by the United Nations Congress on Crime Prevention and Criminal Justice, UN Doc. [A/CONF.234/L.6](#) , 17 February 2021.**

47. Encourage the use and sharing of good practices on legally grounded, evidence-based interviewing methods designed to obtain only voluntary statements, thereby reducing the risk of unlawful, abusive and coercive measures being used during criminal investigation processes, and enable the obtaining of best evidence, thereby improving the legitimacy and quality of criminal investigations, prosecutions and convictions, and the efficient use of resources, as well as continue to welcome the collaboration between practitioners, experts and other relevant stakeholders on the elaboration of a set of international guidelines for non-coercive interviewing methods and procedural safeguards in this regard;

#### **UN Human Rights Council (HRC)**

**Resolution adopted by the Human Rights Council on 3 April 2024, UN Doc. [A/HRC/55/L.15](#), Torture and other cruel, inhuman or degrading treatment or punishment: effective national legislative, administrative, judicial or other measures to prevent acts of torture**

4. (...), and also encourages States to use the Principles on Effective Interviewing for Investigations and Information-Gathering and the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), as appropriate, through the implementation of national measures.

See also Preamble and para. 7.



**Resolution adopted by the Human Rights Council on 27 March 2023, UN Doc. [A/HRC/RES/52/2](#), Promotion and protection of human rights in Nicaragua.**

Preamble: Recalling General Assembly resolution 70/175 of 17 December 2015 on the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), which established that disciplinary sanctions and restrictive measures shall not include the prohibition of family contact and that family contact may be restricted for only a limited period of time and as strictly required for the maintenance of security and order, Assembly resolution 65/229 of 21 December 2010 on the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), which prohibit sexual misconduct and the abuse of women and girls in detention, and Assembly resolutions 77/209 and 77/219 of 15 December 2022 on, respectively, torture and other cruel, inhuman or degrading treatment or punishment, and human rights in the administration of justice, which both mention the Principles on Effective Interviewing for Investigations and Information Gathering (the Méndez Principles).

5. Urgently calls upon the authorities in Nicaragua to cease immediately the use of arbitrary arrests and detentions, as well as of threats and other forms of intimidation or alternative measures of detention, as a means to repress dissent, to release immediately and unconditionally all political prisoners and all those who have been unlawfully, arbitrarily or unjustly detained, as well as those who have been prosecuted under ambiguous criminal laws or laws that arbitrarily restrict the civil and political rights of the Nicaraguan population, to annul their sentences and waive charges against them, to respect fair trial guarantees and due process, to ensure that conditions of detention comply with applicable human rights obligations and are consistent with standards such as the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), the Principles on Effective Interviewing for Investigations and Information Gathering (the Méndez Principles) and the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules);

**Resolution adopted by the Human Rights Council on 23 March 2021, UN Doc. [A/HRC/RES/46/15](#). Torture and other cruel, inhuman or degrading treatment or punishment: the roles and responsibilities of police and other law enforcement officials.**

11. Welcomes the collaboration between police and law enforcement practitioners, lawyers, human rights experts and other relevant stakeholders on the development of international guidelines on non-coercive interviewing and associated safeguards;

See also paras. 9, 10, 25.



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## **REFERENCES BY THE UNITED NATIONS DEPARTMENT OF PEACE OPERATIONS, OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS AND OFFICE ON DRUGS AND CRIME**

### **UN Department of Peace Operations, Office of the High Commissioner for Human Rights, and Office on Drugs and Crime**

#### **United Nations Manual on Investigative Interviewing for Criminal Investigation, 2024.**

Foreword: The Principles on Effective Interviewing for Investigations and Information Gathering (or Méndez Principles) reflect a growing global movement calling for a shift from confession-driven interrogation techniques to non-coercive interviewing methodologies. In outlining practical steps to implement these principles, the manual also contributes to the global effort in eliminating torture and ill-treatment during interrogations and investigations.

1.1. (...) This manual is founded on (a) growing evidence-based research, (b) the normative legal frameworks that prohibit torture or other forms of ill-treatment, and (c) the Principles on Effective Interviewing for Investigation and Information Gathering, also known as the Méndez Principles, which establish, for the first time, the minimum international requirements for good practice in lawful interviewing by both the military and police.

5.1. The Principles on Effective Interviewing for Investigation and Information Gathering, or the Méndez Principles, provide a set of non-binding but authoritative guidance on non-coercive interviewing processes and standards. They endorse human rights-compliant interviewing methods that reject coercive, accusatory, and abusive techniques.

See also Footnote 1, para. 5.2 and box 2 within the text.

### **UN High Commissioner for Human Rights**

**Human Rights Council, Human rights in the administration of justice, Report of the United Nations High Commissioner for Human Rights, UN Doc. [A/HRC/42/20](#), 21 August 2019.**

53. The initiative to elaborate a set of set of universal standards for non-coercive interviewing methods and procedural safeguards, will provide guidance to States on moving away from a confession based criminal justice system, thereby reducing the risk of torture and ill-treatment.



## REFERENCES BY UNITED NATIONS TREATY BODIES AND SPECIAL PROCEDURES

### UN Human Rights Committee (CCPR)

**CCPR, Concluding observations on the third periodic report of Honduras, UN Doc. [CCPR/C/HND/CO/3](#), 25 July 2024.** (Text in Spanish)

#### Prohibition of torture and cruel, inhuman or degrading treatment or punishment

24. El Estado parte debe: (...)

c) Incluir el Código de Conducta para Funcionarios Encargados de Hacer Cumplir la Ley y los Principios sobre Entrevistas Efectivas para Investigación y Recopilación de Información (Principios Méndez), en los cursos de formación y capacitación de los policías y de los miembros de las fuerzas armadas que, eventualmente, deban cumplir funciones policiales;

**CCPR, Concluding observations on the fourth periodic report of India, UN Doc. [CCPR/C/IND/CO/4](#), 25 July 2024.**

#### Prohibition of torture and other cruel, inhuman or degrading treatment or punishment, and liberty and security of person

34. The State party should eradicate torture and ill-treatment. It should in particular: (...)

(c) Take all measures necessary to prevent torture and other cruel, inhuman or degrading treatment or punishment, including by strengthening the human rights training provided to judges, prosecutors, law enforcement officials and forensic medicine personnel, and including training on international human rights standards, such as the Méndez Principles;

**CCPR, Concluding observations on the fourth periodic report of the Syrian Arab Republic, UN Doc. [CCPR/C/SYR/CO/4](#), 22 July 2024.**

#### Prohibition of torture and cruel, inhuman or degrading treatment or punishment

29. The State party should take immediate measures to end torture and other forms of cruel, inhuman or degrading treatment or punishment, including through the review of its legislative framework, such as Act No. 16 of 2022, to ensure that it is fully compliant with the provisions of the Covenant. In particular, the State party should:

a) Take all measures necessary to prevent torture and other cruel, inhuman or degrading treatment or punishment, including by strengthening the human rights training provided to judges, prosecutors, lawyers and law enforcement officials, including on the Principles on



Effective Interviewing for Investigations and Information-Gathering, and by implementing the provisional measures ordered by the International Court of Justice in November 2023.

**CCPR, Concluding observations on the on the fourth periodic report of Suriname, UN Doc. [CCPR/C/SUR/CO/4](#), 22 July 2024.**

Prohibition of torture and cruel, inhuman or degrading treatment or punishment

22. (...), the Committee calls upon the State party: (...)

e) To strengthen the human rights training provided to judges, prosecutors and law enforcement officials, including on the Principles on Effective Interviewing for Investigations and Information-Gathering.

**CCPR, Concluding observations on the initial report of Somalia, UN Doc. [CCPR/C/SOM/CO/1](#), 6 May 2024.**

Prohibition of torture and cruel, inhuman or degrading treatment or punishment

28. The State party should urgently take the measures necessary to eradicate torture and ill-treatment. In particular, the State party should: (...)

(c) Take all measures necessary to prevent torture and other cruel, inhuman or degrading treatment or punishment, including by strengthening the human rights training provided to judges, prosecutors and law enforcement officials, including on the Principles on Effective Interviewing for Investigations and Information-Gathering (the Méndez Principles);

**CCPR, Concluding observations on the third periodic report of Guyana, UN Doc. [CCPR/C/GUY/CO/3](#), 3 May 2024.**

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment

29. The State party should take all measures necessary to end the practice of torture and ill-treatment, in line with the Covenant and international standards. In particular, it should: (...)

(d) Provide all law enforcement officers, prison personnel and other public officials with mandatory training covering international norms on the prevention of torture, including the Principles on Effective Interviewing for Investigations and Information-Gathering.

**Concluding observations on the third periodic report of Namibia, UN Doc. [CCPR/C/NAM/CO/3](#), 3 May 2024.**

Prohibition of torture and ill-treatment





19. The State party should: (...)

(c) Take all measures necessary to prevent torture and inhuman or degrading treatment or punishment, including by strengthening the human rights training provided to judges, prosecutors and law enforcement officials, including on the Principles on Effective Interviewing for Investigations and Information-Gathering (the Méndez Principles);

**CCPR, Concluding observations on the fourth periodic report of Serbia, UN Doc. [CCPR/C/SRB/CO/4](#), 3 May 2024.**

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment

27. The State party should: (...)

(d) Strengthen and expand prevention measures, including through the systematic video and audio recording of police interrogations and relevant training for judges, prosecutors and all categories of law enforcement official, in order to ensure that they act in accordance with international standards, such as the Code of Conduct for Law Enforcement Officials and the Principles on Effective Interviewing for Investigations and Information-Gathering (the Méndez Principles).

**CCPR, Concluding observations on the eighth periodic report of the United Kingdom of Great Britain and Northern Ireland, UN Doc. [CCPR/C/GBR/CO/8](#), 3 May 2024.**

Prohibition of torture and cruel, inhuman or degrading treatment or punishment

25. Reiterating the Committee ' s previous recommendations, the Committee urges the State party to review its legislation, including the Criminal Justice Act 1988, with a view to ensuring that any possible defences for torture are repealed, in accordance with article 7 of the Covenant and other internationally accepted standards. Furthermore, the State party should continue its efforts to ensure that all individuals considered to have "lawful authority" receive the proper guidance, training and oversight to ensure that torture and other forms of ill-treatment are never used purposefully or incidentally within the United Kingdom or in territories under its jurisdiction. In that regard, the State party should strengthen the training on human rights provided to judges, prosecutors, lawyers and law enforcement officials, including on the Principles on Effective Interviewing for Investigations and Information - Gathering (the Méndez Principles).

**CCPR, Concluding observations on the seventh periodic report of Chile, UN Doc. [CCPR/C/CHL/CO/7](#), 1 May 2024.**

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment



26. In the light of the Committee's previous concluding observations, the State party should extend the statute of limitation for torture, taking into account the gravity of this crime. The State party should also expedite the investigation of all allegations of torture and ill-treatment and the prosecution of those responsible for such acts and impose the corresponding punishment on those convicted. Furthermore, the State party should adopt measures to improve knowledge of international human rights standards in police training courses, including, among others, the Istanbul Protocol, the Code of Conduct for Law Enforcement Officials and the Principles on Effective Interviewing for Investigations and Information-Gathering.

**CCPR, Concluding observations on the second periodic report of Indonesia, UN Doc. [CCPR/C/IDN/CO/2](#), 28 March 2024.**

Torture and other forms of cruel, inhuman, or degrading treatment

26. The Committee notes the trainings conducted for judges, prosecutors, and law enforcement personnel on the prohibition of torture and other forms of cruel, inhuman, or degrading treatment as well as the Mendez Principles.

**CCPR, Concluding observations on the fifth periodic report of the United States of America, UN Doc. [CCPR/C/USA/CO/5](#), 5 December 2023.**

Prohibition of torture

43. In line with the Committee's previous recommendations, the State party should review its position regarding the establishment of a specific offence of torture, enact legislation prohibiting torture as a distinct offence that is fully compliant with article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and article 7 of the Covenant, in order to enhance torture prevention, and ensure that evidence and confessions obtained through torture are inadmissible in legal proceedings, without exception. In addition, it should: (...)

(b) Strengthen the training on human rights provided to judges, prosecutors and law enforcement officials, including on the Principles on Effective Interviewing for Investigations and Information-Gathering.

**CCPR, Concluding observations on the fifth periodic report of the Bolivarian Republic of Venezuela, UN Doc. [CCPR/C/VEN/CO/5](#), 28 November 2023.**

Prohibition of torture and other cruel, inhuman or degrading treatment



26. The State party should take immediate measures to eradicate torture and ill-treatment, including by ensuring that: (...)

(d) The official acceptance and implementation of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) are expedited and human rights education and training are provided to judges, prosecutors, lawyers, civilian and military intelligence services, security officers and law enforcement officials in order to ensure that they act in accordance with international standards such as the Code of Conduct for Law Enforcement Officials and the Principles on Effective Interviewing for Investigations and Information-Gathering (Méndez Principles).

**CCPR, Concluding observations on the fourth periodic report of Iran, UN Doc. [CCPR/C/IRN/CO/4](#), 23 November 2023.**

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment

28. The State party should take immediate measures to eradicate torture and ill - treatment , including the following : (...)

(b) Take all measures necessary to prevent torture and inhuman or degrading treatment or punishment, such as strengthening the training on human rights provided to judges, prosecutors, law enforcement officials and members of the Islamic Revolutionary Guard corps, and including training on international human rights standards such as the Principles on Effective Interviewing for Investigation and Information Gathering (the Méndez Principles);

**CCPR, Concluding observations on the fourth periodic report of Kuwait, UN Doc. [CCPR/C/KWT/CO/4](#), 22 November 2023.**

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment

27. The State party should urgently take the measures necessary to eradicate torture and ill-treatment, including, in particular, the following: (...)

(c) Strengthen its efforts to provide law enforcement officials, members of the judiciary, prosecutors and prison staff with effective training courses that integrate international standards, such as the Code of Conduct for Law Enforcement Officials and the Principles on Effective Interviewing for Investigations and Information Gathering (the Méndez Principles).

**CCPR, Concluding observations on the third periodic report of Brazil, UN Doc. [CCPR/C/BRA/CO/3](#), 26 July 2023.**

Prohibition of torture and other cruel, inhuman or degrading treatment



40. The State party should eradicate torture and inhuman and degrading treatment. In particular, it should: (...)

(c) Continue its efforts to provide law enforcement officials, members of the judiciary, prosecutors and prison staff with effective training courses that integrate international standards such as the Code of Conduct for Law Enforcement Officials and the Principles on Effective Interviewing for Investigation and Information Gathering, known as the "Méndez Principles".

**CCPR, Concluding observations on the third periodic report of Burundi, UN Doc. [CCPR/C/BDI/CO/3](#), 26 July 2023** (Text available only in French).

22. Dans la continuité des précédentes observations finales du Comité et eu égard aux recommandations du Comité contre la torture et du Comité pour l'élimination de la discrimination à l'égard des femmes, l'État partie devrait : (...)

g) Dispenser, à l'intention des juges, procureurs, avocats et responsables de l'application de la loi, des formations efficaces qui intègrent des normes internationales relatives à la prévention de la torture, y compris les Principes relatifs aux entretiens efficaces dans le cadre d'enquêtes et de collecte d'informations ("Principes Méndez") ;

**CCPR, Concluding observations on the eight periodic report of Colombia, UN Doc. [CCPR/C/COL/CO/8](#), 26 July 2023** (Text in Spanish).

Prohibición de la tortura y otros tratos y penas crueles, inhumanos o degradantes

19. El Estado parte debe aumentar sus esfuerzos para erradicar la tortura y los malos tratos. Para ello, entre otras cosas, debe: (...)

b) Seguir sus esfuerzos para impartir a los agentes del orden, a los miembros del poder judicial, a los funcionarios de la fiscalía y al personal penitenciario, cursos de formación eficaces que integren normas internacionales como el Código de Conducta para Funcionarios encargados de Hacer Cumplir la Ley y los Principios sobre Entrevistas Efectivas para Investigación y Recopilación de Información, conocidos como los "Principios de Méndez", y organizar programas de sensibilización dirigidos a los reclusos sobre la prevención de la tortura y los malos tratos;

**CCPR, Concluding observations on the fifth periodic report of Cyprus, UN Doc. [CCPR/C/CYP/CO/5](#), 26 July 2023.**

Prohibition of torture and other cruel, inhuman or degrading treatment



20. The State party should increase its efforts to eradicate torture and ill-treatment. In this regard it should: (...)

(d) Continue its efforts to provide regular training to judges, prosecutors, lawyers, and law enforcement officials on human rights, including on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) and the Principles on the Effective Interviewing for Investigations and Information gathering known as the “Mendez Principles”.

**CCPR, Concluding observations on the second periodic report of Lesotho, [CCPR/C/LSO/CO/2](#), 26 July 2023.**

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment and treatment of persons deprived of their liberty

34. The State party should: (...)

(b) Provide law enforcement officials, members of the judiciary, prosecutors and penitentiary staff with effective training programmes that integrate international standards, such as the Principles on Effective Interviewing for Investigation and Information Gathering, known as the “Méndez Principles”; and provide detainees with awareness-raising programmes on the prevention of torture and ill-treatment;

**CCPR, Concluding observations on the initial report of the State of Palestine, [CCPR/C/PSE/CO/1](#), 26 July 2023.**

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment

24. Following the concluding observations of CAT, article 15 of the CAT, and the Mendez principles on effective interviewing for investigations and information gathering, the State party should ensure in practice that confessions obtained through torture or ill-treatment are ruled inadmissible, and that such cases are investigated.

**CCPR, Concluding observations on the second periodic report of Uganda, [CCPR/C/UGA/CO/2](#), 26 July 2023.**

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment

25. The State party should ensure that all allegations of torture and ill-treatment are promptly and thoroughly investigated by an effective and fully independent and impartial body, that perpetrators are prosecuted and, if convicted, punished with sanctions commensurate with the nature and gravity of the crime, and that victims are provided with full reparation, including rehabilitation and adequate compensation. It should also enhance awareness-raising and



training for law enforcement and security forces on the Prevention and Prohibition of Torture Act of 2012, the Prevention and Prohibition of Torture Regulations of 2017 and relevant international standards, including the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) and the Principles on the Effective Interviewing.

### [UN Committee Against Torture \(CAT\)](#)

**CAT, Concluding observations on the fifth periodic report of Türkiye, UN Doc. [CAT/C/TUR/CO/5](#), 25 July 2024.**

#### Training

35. The State party should ensure that all relevant staff, including prosecutors and judges, are specifically trained to identify, document and investigate cases of torture and ill-treatment, in accordance with the Istanbul Protocol, as revised. The State party should incorporate the Principles on Effective Interviewing for Investigations and Information-Gathering (the Méndez Principles) into future initiatives to review and revise interrogation techniques.

#### Confessions obtained through the use of torture and ill-treatment

45. The State party should ensure that:

(a) Confessions and statements obtained through torture or ill-treatment are not admitted as evidence in practice, except against persons accused of committing torture, as evidence that the statement was made under duress; (b) When it is alleged that a statement has been obtained through torture, the allegation is investigated immediately, effectively and independently and alleged perpetrators are prosecuted and, if found guilty, punished; (c) All police officers, national security officers and members of military personnel, judges and public prosecutors receive mandatory training emphasizing the link between non-coercive interrogation techniques, the prohibition against torture and ill-treatment and the obligation of the judiciary to invalidate confessions and witness statements made under torture, taking note, in that regard, of the Principles on Effective Interviewing for Investigations and Information-Gathering (the Méndez Principles).

**CAT, Concluding observations on the initial report of Côte d'Ivoire, UN Doc. [CAT/C/CIV/CO/1](#), 22 July 2024.**

#### Inadmissibility of confessions obtained through torture

34. The State party should ensure that:



(c) Ensure that all police officers, national defence and security officers and military personnel, judges and public prosecutors receive mandatory training emphasizing the link between non-coercive interrogation techniques, the prohibition against torture and ill-treatment and the obligation on the judiciary to declare confessions made under torture inadmissible, taking note, in that regard, of the Principles on Effective Interviewing for Investigations and Information-Gathering (Méndez Principles).

**CAT, Concluding observations on the sixth periodic report of the Republic of Korea, UN Doc. [CAT/C/KOR/CO/6](#), 19 July 2024.**

Investigation into allegations of torture and independent complaint mechanism

23. The State party should:

(e) Develop training modules for police officers on non-coercive interviewing and investigation techniques, including the Principles on Effective Interviewing for Investigations and Information-Gathering, introduce advanced investigative tools and establish a sound system of gathering forensic evidence.

**CAT, Concluding observations on the fourth periodic report of North Macedonia, UN Doc. [CAT/C/MKD/CO/4](#), 8 May 2024.**

Investigation and prosecution of acts of torture and ill-treatment, including excessive use of force

19. The State party should: (...)

d) Develop training modules for police officers on non-coercive interviewing and investigation techniques, including the Principles on Effective Interviewing for Investigations and Information-Gathering, introduce advanced investigative tools and establish a sound system for gathering forensic evidence;

**CAT, Concluding observations on the fifth periodic report of Azerbaijan, UN Doc. [CAT/C/AZE/CO/5](#), 6 May 2024.**

Training

33. The Committee recommends that the State party provide mandatory training on the provisions of the Convention for all law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment. It also recommends that the State party ensure that the Istanbul Protocol, as revised, forms an essential part of the training of all medical professionals and other public officials working with



persons deprived of their liberty. In this regard, the State party should develop methodologies to assess the impact of these training programmes. The State party should also consider incorporating the Principles on Effective Interviewing for Investigations and Information-Gathering into future initiatives to review and revise interrogation techniques.

**CAT, Concluding observations on the fifth periodic report of Egypt, UN Doc. [CAT/C/EGY/CO/5](#), 23 November 2023.**

Inadmissibility of confessions obtained through torture

30. The State party should ensure that: (...)

(c) All police officers, national security officers and military personnel, judges and public prosecutors receive mandatory training emphasizing the link between non-coercive interrogation techniques, the prohibition against torture and ill-treatment and the obligation on the judiciary to invalidate confessions and witness statements made under torture, taking note, in that regard, of the Principles on Effective Interviewing for Investigations and Information Gathering (Méndez Principles).

**CAT, Concluding observations on the initial report of Malawi, UN Doc. [CAT/C/MWI/CO/1](#), 9 December 2022.**

Confessions obtained under torture or ill-treatment

16. The State party should: (...)

(b) Develop training modules for law enforcement officers on non-coercive interviewing and investigation techniques, including the Principles on Effective Interviewing for Investigations and Information Gathering (the Méndez Principles), introduce advanced investigative tools and establish a sound system of gathering forensic evidence;

**CAT, Concluding observations on the second report of Chad, UN Doc. [CAT/C/TCD/CO/2](#), 7 December 2022** (Text in French).

Irrecevabilité des aveux obtenus par la torture

40. L'État partie devrait : (...)

(c) Veiller à ce que tous les policiers, les agents de la sécurité nationale, les militaires, les juges et les procureurs suivent une formation obligatoire mettant l'accent sur le lien entre les techniques d'interrogatoire non coercitives, l'interdiction de la torture et des mauvais traitements et l'obligation pour les organes judiciaires de déclarer irrecevables les aveux





obtenus par la torture, en s'inspirant à cet égard des Principes relatifs aux entretiens efficaces dans le cadre d'enquêtes et de collecte d'informations (Principes de Méndez).

**CAT, Concluding observations on the initial report of Somalia, UN Doc. [CAT/C/SOM/CO/1](#), 2 December 2022.**

Confessions obtained under torture or ill-treatment

21. While taking note of the legal safeguards enshrined in the Criminal Procedure Code establishing the inadmissibility of evidence obtained under torture and other coercive measures, the Committee is concerned by reports of confessions being obtained under torture and ill-treatment by the National Intelligence and Security Agency and admitted by courts (art. 15).

22. The State party should adopt effective measures to guarantee that all individuals have access to effective remedies to complain about the obtention of confessions or statements made under torture or other ill-treatment and that all coerced confessions or other statements are inadmissible in practice, except when invoked against a person accused of torture as evidence that the statement was made. The State party should also ensure that judges receive training on how to detect and investigate cases in which confessions and other statements are obtained under torture. The Committee also invites the State party to carefully consider the Principles on Effective Interviewing for Investigations and Information Gathering (the Méndez Principles).

**CAT, Concluding observations on the initial report of Botswana, UN Doc. [CAT/C/BWA/1](#), 23 August 2022.**

Confessions obtained under torture or ill-treatment

32. The Committee urges the State party to review its legislation in order to ensure that any statement – regardless of whether it constitutes a confession – that is made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made. It also urges the State party to carefully consider the Principles on Effective Interviewing for Investigations and Information Gathering (the Méndez Principles), and to ensure the investigation and, as appropriate, prosecution of any person who uses torture in an effort to elicit a confession or other statement.

Training

40. The State party should:

(b) Ensure that all relevant staff, including medical personnel, are specifically trained to identify cases of torture and ill-treatment, in accordance with the revised version of the Manual on the



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Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), and consider the Principles on Effective Interviewing for Investigations and Information Gathering (the Méndez Principles);

**CAT, Concluding observations on the eighth periodic report of Sweden, UN Doc. [CAT/C/SWE/CO/8](#), 26 November 2021.**

5. The Committee welcomes the State party's initiatives to revise and introduce legislation in areas of relevance to the Convention, such as:

(d) The steps taken to integrate, as governing principles in Sweden, the Principles on Effective Interviewing for Investigations and Information Gathering (the Méndez Principles, launched in June 2021), which are aimed at ending accusatory, coercive and other confession practices during investigations.

**CAT, Concluding observations on the fourth periodic report of Belgium, UN Doc. [CAT/C/BEL/CO/4](#), 25 August 2021.**

12. The State party should: (...)

(b) Enhance training for the police on the use of force, techniques intended to prevent violence from escalating, respect for fundamental freedoms, including in connection with the filming of police interventions, and the obligation for police officers to identify themselves and explain their actions. The Committee recommends that the State party be guided by the new principles on effective interviewing for investigations and information gathering known as the "Mendez Principles";

**[UN Subcommittee on Prevention of Torture \(SPT\)](#)**

**SPT, Fifteenth annual report, UN Doc. [CAT/C/73/2](#), 10 March 2022.**

54. At its forty-fifth session, the Subcommittee took note of the launching of the Principles on Effective Interviewing for Investigations and Information Gathering (the Méndez Principles) promoted by the Association for the Prevention of Torture. In a post-session press release, the Subcommittee stated that it welcomed the Méndez Principles, as they constituted an essential step in the needed cultural shift towards the respect of human rights at all stages of the criminal justice process. National preventive mechanisms, through their mandate and particularly through their privileged access to all places of deprivation of liberty, including police stations, have an important role to play in the promotion and use of the Méndez Principles. The Subcommittee strongly encourages national preventive mechanisms to



familiarize themselves with the Méndez Principles, endorse them and fully incorporate them into their working methods."

### [UN Working Group on Arbitrary Detention \(WGAD\)](#)

#### ➤ Reports

**Report of the Working Group on Arbitrary Detention, Arbitrary detention and the Principles on Effective Interviewing for Investigations and Information Gathering, UN Doc. [A/HRC/ 51/29](#), 21 July 2022.**

53. During the reporting period, the Working Group noted the launch of the Principles on Effective Interviewing for Investigations and Information Gathering, also known as the Méndez Principles,<sup>30</sup> which propose concrete guidance on conducting effective questioning as part of the investigation or intelligence-gathering process with a view to gathering accurate and reliable information rather than a confession. The Méndez Principles are grounded on scientific research showing that torture is ineffective in getting to the truth and that rapport based interviewing improves the effectiveness, fairness and outcomes of investigations.

54. The Méndez Principles promote an approach that also helps to ensure the observance of other existing international human rights obligations, such as the presumption of innocence, the right not to be compelled to incriminate oneself, the right not to be subjected to discrimination, the right to a fair trial and the right to freedom from arbitrary arrest and detention. <sup>31</sup> The Méndez Principles set out an interviewing methodology for obtaining accurate and reliable information, which integrates legal and procedural safeguards throughout the process. The use of such an approach will thereby improve "the legitimacy and quality of criminal investigations, prosecutions and convictions, and the efficient use of resources"<sup>32</sup> and also provide a safeguard against arbitrary detention.

55. The Working Group thus reiterates that it is mindful of measures aimed at eliminating the possibility of extracting confessions through torture and ill-treatment, as these could minimize the occurrence of situations of arbitrary detention. To this end, the Working Group welcomes the Méndez Principles and invites all States to give these due consideration in order to enhance their effective implementation in practice by law enforcement authorities.

72. Welcoming the launch of the Principles on Effective Interviewing for Investigations and Information Gathering and recognizing their role in reducing instances of arbitrary deprivation of liberty, the Working Group calls upon States to take due note of these Principles and to seek their effective implementation in practice by their law enforcement agencies.



➤ Opinions and statements

**Opinion No. 57/2023 concerning Ahmad Abdulrazzak Basha Kazim (Iraq), UN Doc. [A/HRC/WGAD/2023/57](#), 12 February 2024.**

85. (...) The Working Group recalls that according to article 15 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, any statement that is established to have been made as a result of torture shall not be invoked as evidence in any proceedings.<sup>40</sup>

Footnote 40: See also the Principles on Effective Interviewing for Investigations and Information Gathering, para. 220.

**Opinion No. 64/2022 concerning Yalqun Rozi (China), UN Doc. [A/HRC/WGAD/2022/64](#), 29 September 2022.**

46. Furthermore, the Working Group is seriously concerned about the uncontested allegations that Mr. Rozi appeared severely emaciated during the trial, due to malnutrition and torture suffered. As the Working Group has stated before, confessions made in the absence of legal representation are not admissible as evidence in criminal proceedings. Furthermore, the admission into evidence of a statement allegedly obtained through torture or ill-treatment renders the entire proceedings unfair, regardless of whether other evidence was available to support the verdict. The burden is on the Government to prove that statements were given freely, but in this case it has not done so. A forced confession taints the entire proceedings, also regardless of whether other evidence was available to support the verdict. The Working Group finds a further breach of articles 10 and 11 of the Universal Declaration of Human Rights. It refers the case to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, for appropriate action. The Working Group also calls upon the Government to adhere to the Principles on Effective Interviewing for Investigations and Information Gathering (the Méndez Principles).

**Opinion No. 44/2022 concerning Saeed AbdulRahman Jabr Husain Saleh, Ramzi AbdulRahman Jabr Husain Saleh, Raed Fareed Hamdan Hasan al-Hajj Ahmad, Diyaa Zakaria Shaker al-Falooji, Naser Mohamed Yusuf al-Naji, Omar Ismail Omar Wadi and Bassem Mohamed Saleh Adib Khandakji (Israel), UN Doc. [A/HRC/WGAD/2022/44](#), 28 September 2022.**

71. Further, as it has stated before, confessions made in the absence of legal representation are not admissible as evidence in criminal proceedings. Equally, the admission into evidence of a statement allegedly obtained through torture or ill-treatment renders the entire proceeding unfair, regardless of whether other evidence was available to support the verdict. The burden is on the Government to prove that statements were given freely, but in this case,



it has not done so. All seven individuals had the right to be presumed innocent under article 14 (2) of the Covenant, which was clearly violated, as was their right not to be compelled to confess guilt under article 14 (3) (g) of the Covenant. The Working Group also finds a breach of article 14 (1) as the failure of the court to halt the proceedings when allegations of ill-treatment were made means that the court failed to act in a fair and impartial manner. The Working Group also calls upon the Government to adhere to the Principles on Effective Interviewing for Investigations and Information Gathering (the Méndez Principles).

**Opinion No. 62/2022 concerning Husain bin Abdulla bin Yusuf al-Sadeq (Saudi Arabia), UN Doc. [A/HRC/WGAD/2022/62](#), 28 September 2022.**

93. The Working Group therefore finds a violation of Mr. Al-Sadeq's fundamental fair trial rights, including the right to be presumed innocent and the right not to confess guilt under articles 10 and 11 of the Universal Declaration of Human Rights. The Working Group also notes that the use of a confession extracted through ill-treatment that is tantamount if not equivalent to torture may also constitute a violation by Saudi Arabia of its international obligation under article 15 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Furthermore, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment specifically prohibits taking undue advantage of the situation of detention to compel confession or incriminating statements (see principle 21). The Working Group refers the present case to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, for appropriate action. The Working Group also calls upon the Government to adhere to the Principles on Effective Interviewing for Investigations and Information Gathering (the Méndez Principles).

**Preliminary Findings from its visit to Botswana (4 to 15 July 2022): [Statement](#) at the end of the visit.**

The Group invites the Government to consider the Principles on Effective Interviewing for Investigations and Information Gathering ('Mendez Principles') to assist the work of its law enforcement agencies by eliminating confessions as cornerstone of the investigative process and thus guarding against arbitrary detention.

**Opinion No. 5/2022 concerning Abdullah Ahmed Faleh Ahmed al-Taei (Iraq), UN Doc [A/HRC/WGAD/2022/5](#), 16 June 2022.**

81. As a result, the Working Group finds that Mr. Al-Taei's right not to be compelled to confess guilt under article 14 (3) (g) of the Covenant and article 11 (1) of the Universal Declaration of Human Rights was violated. The use of a confession extracted through ill-treatment also constitutes a violation of principle 21 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. The Working Group recalls that according to article 15 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment



or Punishment, any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings.

See footnote 46 at end of para. 81 reading: See also the Principles on Effective Interviewing for Investigations and Information Gathering (the Méndez Principles), para. 220.

**Opinion No. 33/2021 concerning Azamat Umbetaliyev, Beket Mynbasov, Samat Adilov, Zhuldyzbek Taurbekov, Zhasulan Iskakov, Nazim Abdrakhmanov, Ernar Samatov and Bolatbek Nurgaliyev (Kazakhstan), UN Doc. [A/HRC/WGAD/2021/33](#), 14 October 2021.**

79. In the present case, the trial judge was clearly informed of the allegations of forced statements during the interrogations of several of the individuals, yet took no action to investigate these claims. In these circumstances, the Working Group considers that the court failed to act impartially and thus violated the rights of Mr. Umbetaliyev, Mr. Mynbasov, Mr. Adilov, Mr. Taurbekov, Mr. Iskakov, Mr. Abdrakhmanov, Mr. Samatov and Mr. Nurgaliyev under article 14 (1) of the Covenant. The Working Group refers the case to the Special Rapporteur on the independence of judges and lawyers, for appropriate action. The Working Group also calls upon the Government to adhere to the Principles on Effective Interviewing for Investigations and Information Gathering (the Méndez Principles).

#### [UN Special Rapporteur on torture \(SRT\)](#)

**Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Alice Jill Edwards, Torture and other cruel, inhuman or degrading treatment or punishment - Note by the Secretary-General, UN Doc. [A/79/181](#), 18 July 2024.**

80. (...) In addition, the Special Rapporteur recommends that:

(g) Interviewers and interpreters are trained and certified in the Principles on Effective Interviewing for Investigations and Information Gathering (Mendez Principles) and the Global Code of Conduct for Gathering and Using Information about Systematic and Conflict-Related Sexual Violence (Murad Code), noting the specialist requirements for interviewing survivors and witnesses of sexual torture; and protections for consent, confidentiality and anonymization of information are adopted.

*See also paragraph 58 and footnote 86 at the end of the paragraph referring to the Principles.*

58. Rapport building is the fulcrum of the interview and victims should choose the way they wish to describe their experiences. Interviewers must be trained to elicit sensitive information in an ethical and reliable manner, free of any agenda, without causing further harm or security risk to the interviewee. They should ask open-ended questions and allow victims the time that they need to answer. Survivors should lead the telling of their story, only being prompted



when needed. In Norway, immigration interviewers adjust the interview and questioning strategies if indicators of trafficking in persons, domestic violence, forced marriage or female genital mutilation are identified and an interviewer with adequate expertise may be called in. They must be informed about the purpose of the interview and how it will take place. They are entitled to the full range of rights as specified under international law.<sup>86</sup>

Fn. 86: See Principles on Effective Interviewing for Investigations and Information Gathering, May 2021, Principle 2; General Assembly resolution 77/209, para. 16.

**Visit to Ukraine, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Alice Jill Edwards, UN Doc. [A/HRC/55/52/Add.1](#), 15 February 2024.**

#### Recommendations to Ukraine

109. The Special Rapporteur recommends that Ukraine: (...)

Increase awareness and train all relevant personnel on the 2022 revised edition of the “Istanbul Protocol” (and translate the Protocol into Ukrainian) as well as the Principles on Effective Interviewing for Investigations and Information Gathering (the “Mendez Principles”). The Special Rapporteur also refers the authorities to the Convention against Torture Initiative’s Training Manual on Investigative Interviewing for Criminal Cases (available in Ukrainian). Existing investigative procedures and protocols should be in alignment with these tools.

**Good practices in national criminalization, investigation, prosecution and sentencing for offences of torture. Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Alice Jill Edwards, [A/HRC/52/30](#), 13 March 2023.**

#### Duty to investigate crimes of torture in national law and practice

17. Developments in forensic science and technology are enabling more secure and reliable evidence collection and preservation. Expertise in torture documentation, both physical and psychological, is growing, thanks to the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol), and, in cases when torture leads to murder, to the Minnesota Protocol on the Investigation of Potentially Unlawful Death. Humane and non-coercive interviewing techniques, such as those presented in the Principles on Effective Interviewing for Investigations and Information Gathering (the Méndez Principles), are also applicable to investigations of torture.

74. In the light of the information in the present report, the Special Rapporteur recommends the following actions to States:

(f) Adopt guidelines and standards for investigators, prosecutors, lawyers, medical and forensic experts and judges on: (...)



(iii) Interviewing techniques for victims, witnesses and suspects in alignment with the Méndez Principles;

**Interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Alice Jill Edwards, [A/77/2972](#), 4 October 2022.**

51. Third, a good body of research argues that the risks of torture and ill-treatment are greatest in the first hours when an individual is arrested and/or detained by police and other law enforcement (A/71/298), especially where the regular legal and procedural safeguards are not applied. While there are a wide number of soft law standards in relation to safeguards, it has been recognized by a growing number of states that they should develop domestic guidelines and training on the conduct of interrogations with a view to preventing torture and ill-treatment (A/RES/74/142, para. 13-17). The Special Rapporteur recommends to all states the expert- and practitioner-drafted Méndez Principles on Effective Interviewing for Investigations and Evidence Gathering.

**Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Nils Melzer, *Torture and other cruel, inhuman or degrading treatment or punishment*, UN Doc. [A/HRC/49/50](#), 28 December 2021.**

35. Each thematic report can serve as an important resource for States, international organizations and other stakeholders, and many reports have informed definitions, interpretations and provisions adopted in various international human rights instruments and in the practice of international human rights mechanisms.

38. In addition, the 2016 thematic report calling for a universal protocol on non-coercive interviewing resulted in the initiation of a four-year expert process, which has resulted in the drafting of the Méndez Principles, providing guidance for the transition from confession based, coercive interrogation to science-based, non-coercive interviewing.





## REFERENCES AND RESOLUTIONS BY REGIONAL ORGANISATIONS AND HUMAN RIGHTS BODIES

### African Union (AU)

#### African Commission on Human and Peoples' Rights (ACHPR)

**ACHPR, Resolution on the Principles on Effective Interviewing for Investigations and Information-Gathering (Méndez Principles) - [ACHPR/Res.545 \(LXXIII\)](#), 12 December 2022.**

Recalling the prohibition of torture and cruel, inhuman or degrading treatment or punishment in Article 5 of the African Charter on Human and Peoples' Rights;

Reaffirming the Commission's commitment to continue to place policing and human rights at the heart of the implementation of its promotion and protection mandate set out in its resolution ACHPR/Res.259 (LIV) 2013 on policing and human rights adopted at its 40th Ordinary Session held in Banjul from 22 October to 5 November 2013;

Considering the Guidelines and Measures for the Prohibition and Prevention of Torture and Cruel, Inhuman or Degrading Treatment or Punishment in Africa (Robben Island Guidelines), adopted at its 32nd Ordinary Session, held in Banjul, The Gambia, from 17 to 23 October 2002, and in particular the part on the prevention of torture and the fundamental safeguards for persons deprived of liberty;

Considering also the Guidelines on Conditions of Arrest, Police Custody and Pre-trial Detention in Africa, adopted by the Commission, during its 55th Ordinary Session, held from 28 April to 12 May 2014 in Luanda, Angola and in particular Part 1 on Arrest and Part 2 on Police Custody;

Aware of the crucial role that police forces play throughout the continent in the maintenance of law and order, the administration of justice, the respect of human rights;

Convinced of the need to propose concrete measures to reduce the high risk of coercion, torture and ill-treatment for the purpose of obtaining confessions during interrogations by the police and other institutions in charge of criminal investigations;

Recognizing further that all members of the police, defense and security forces, and prison personnel should receive continuous training in best practices in their work so as to contribute to the prevention of torture;

Recalling the promotional mandate of the Committee for the Prevention of Torture in Africa and the Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa and their



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recommendations on the prevention of torture during arrest and police custody, fundamental safeguards and police training;

Recognizing the need to take concrete measures to implement existing provisions on the prohibition of torture and cruel, inhuman or degrading treatment or punishment and the right to a fair trial;

The Commission:

- i. Welcomes the Principles on Effective Interviewing for Investigations and Information Gathering - also known as the "Méndez Principles";
- ii. Encourages State Parties to the African Charter to support the use of the six Méndez Principles as a useful framework for preventing torture and other ill-treatment during hearings and interviews;
- iii. Entrusts the Committee for the Prevention of Torture in Africa and the Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa with the task of integrating the Méndez Principles into their promotional mandate and disseminating them widely to States Parties to the African Charter;
- iv. Invites States Parties to the African Charter, NGOs with observer status and other actors to promote and widely disseminate the Méndez Principles;
- v. Further invites regional and international organizations, civil society and other actors to provide the necessary support to States Parties to the African Charter for the implementation of the Méndez Principles;
- vi. Urges States Parties to the African Charter that have not yet done so to ratify and implement the United Nations Convention against Torture (CAT) and its Optional Protocol (OPCAT), including the establishment of National Preventive Mechanisms (NPMs).

### [Council of Europe \(CoE\)](#)

#### **[European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\)](#)**

**CPT, [Report](#) to the Government of Cyprus on the visit to Cyprus carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 9 to 17 May 2023, 17 May 2024.**



117. (...) Further, the CPT reiterates its recommendation that the Cypriot authorities take proactive measures to regularly provide professional training to police officers and investigators, notably on applying investigative interviewing techniques.

See also footnote 69 reading:

69. See the Principles on Effective Interviewing for Investigations and Information Gathering, also referred to as the “Méndez Principles,” which were adopted in May 2021. They provide guidance on obtaining accurate and reliable information in full respect on the human rights and dignity of all, by changing how public authorities conduct interviews and through the implementation of procedural safeguards in the first hours of police custody. The CPT has outlined the added value of the methodology of investigative interviewing in its 28th General Report, CPT/Inf (2019) 9, paragraphs 73-81.

140. (...) In principle, systematic recording should cover all stages of police questioning, including the provision of information on rights at the beginning of the interview. Electronic recorded statements must be preserved as part of the criminal case files and made available to the prosecution authorities, the detained persons concerned and/or their lawyers, and be accessible to representatives of international and national monitoring bodies as well as to any officials responsible for investigating allegations or reports of police ill-treatment.

The CPT encourages the Cypriot authorities to extend the application of audio-visual recording of police interviews to the questioning of all detained persons. In the interim, consideration should be given to also using, to the extent possible, the existing juvenile interview rooms for police questioning of adults.

See also footnote 83.

**CPT, [Report](#) to the Government of North Macedonia on the visit to North Macedonia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 2 to 12 October 2023, 15 May 2024.**

37. (...)

The CPT calls upon the authorities of North Macedonia to actively promote as a high priority such a paradigm shift from the principle of proceeding “from the suspect to the evidence” to one focused on “from the evidence to the suspect” notably through robust measures such as training in proven scientific professional methods of investigative interviewing and the mandatory audio-video recording of all police interviews.

See also footnote 37 reading:



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See in this respect Rule No. 1 of the “Principles on Effective Interviewing for Investigations and Information Gathering” (the Méndez Principles) adopted in May 2021 by a group of eminent international legal and police experts in the field of policing and torture prevention. The Méndez Principles have since been welcomed and cited by several United Nations bodies, as well as the CPT.

See also footnote 38.

**CPT, [Rapport](#) au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants (CPT) du 27 mars au 4 avril 2023, 7 Septembre 2023 (only available in French).**

100. Le CPT prend également note des informations fournies par les autorités luxembourgeoises qu’il n’y a pas eu de changements significatifs concernant les techniques d’entretiens dans le cadre d’enquêtes policières, aussi bien pratiquées qu’enseignées, au sein de la Police grand-ducale.

De l’avis du Comité, la formation professionnelle des agents opérationnels et des enquêteurs de police devrait mettre l’accent sur une approche fondée sur l’obtention d’éléments de preuve matérielle afin d’établir la vérité. Ceci permettra de diminuer l’importance accordée aux renseignements et aux aveux obtenus lors d’interrogatoires. Dans son 28<sup>e</sup> rapport général, le CPT a souligné la valeur ajoutée de la méthodologie des entretiens d’enquête qui est actuellement utilisée dans plusieurs pays du Conseil de l’Europe. Référence est notamment faite ici aux Principes relatifs aux entretiens efficaces dans le cadre d’enquêtes et de collecte d’informations.

Le CPT recommande aux autorités luxembourgeoises de revoir de manière systématique les règles, instructions, méthodes et pratiques d’entretiens pratiquées au sein de la Police grand-ducale dans le cadre d’enquêtes policières afin de garantir que ces méthodes, ainsi que la formation de base et continue enseignée en la matière, soient conformes aux principes susmentionnés.

See also footnotes 100 and 101.

**CPT, [Report](#) to the Serbian Government on the visit to Serbia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 to 30 March 2023, 25 January 2024.**

42. In its previous report on the 2021 periodic visit to Serbia, the CPT underlined the need for a paradigm shift from a “suspect to the evidence” approach to an “evidence to the suspect” approach. The CPT also noted that the use of investigative interviewing techniques by police



inspectors, developed by several police services in Europe and advocated by eminent legal experts in the field of torture prevention, improves the flow of information and communication and reduces the risk of human error and false accusations. The findings of the 2023 ad hoc visit indicate that such a paradigm shift in the interviewing of summoned citizens and criminal suspects has not been implemented. Furthermore, the delegation in the course of its visit did not get the impression that Serbian police officers were interested in abandoning a system of informal gathering of information clearly based on extracting confessions from criminal suspects. In the Committee's view, such a paradigm shift requires robust measures coming from senior officials, who must become advocates of such a change.

The CPT calls upon the Serbian authorities to actively promote such a paradigm shift from the principle of proceeding "from the suspect to the evidence" to one focused on "from the evidence to the suspect" notably through robust measures such as training in proven scientific professional methods of investigative interviewing and the mandatory audio-video recording of all police interviews (see paragraph 16), as well as the strict regulation and application of safeguards in the summoning of citizens suspected of crimes to police stations (see paragraph 16).

See also footnote 38.

**CPT, [Report](#) to the Government of Romania on the visit to Romania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 21 May 2021, 14 April 2022.**

17. Moreover, the Committee stresses that it is necessary for the competent authorities to promote a fundamentally different approach towards methods of police investigation. It is self-evident that a criminal justice system which places a premium on confession evidence creates incentives for officials involved in the investigation of crime to use physical or psychological coercion. First and foremost, the precise aim of questioning by the police must be made crystal clear: it should be to obtain accurate and reliable information in order to discover the truth about the matter under investigation, not to obtain a confession from somebody already presumed, in the eyes of the interviewing officers, to be guilty.

There must be a change of paradigm. In addition to the measures highlighted above, such an approach must involve the adoption of detailed instructions on the proper questioning of criminal suspects. Specific training on professional interviewing techniques should be regularly provided to police operational officers and investigators. The training should place particular emphasis on an intelligence-led and physical evidence-based approach, thereby reducing reliance on information and confessions obtained during questioning for the purpose of securing convictions.



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See footnote 3 at the end of para. 17 reading: In this respect, reference should be made to the “Principles on Effective Interviewing for Investigations and Information Gathering” adopted in June 2021 by a group of eminent international legal experts under the auspices of the former UN Special Rapporteur on Torture, Juan Méndez.

**CPT, [Report](#) to the Serbian Government on the periodic visit to Serbia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 9 to 19 March 2021, 10 March 2022.**

20: (...) The Serbian authorities should urgently adopt a Strategy on the Eradication of Police Ill-treatment which should include the following elements: (...)

In contexts where criminal investigations are often geared towards obtaining confessional evidence or other information, the CPT has underlined the necessity of a shift of paradigm from the principle of proceeding “from the suspect to the evidence” to one focused on “from the evidence to the suspect”. The CPT has observed that the application of investigative interviewing techniques by police inspectors, which had been developed by several police services in Europe and advocated by eminent legal experts in the field of torture prevention,<sup>21</sup> enhance information flows and communication and reduce the risk of human error and false accusations.

See footnote 21 at the end of para. 20, reading: See in this respect the “Principles on Effective Interviewing for Investigations and Information Gathering” recently adopted as a guideline by a group of eminent international legal experts in the field of torture prevention and already endorsed by several United Nations bodies and known as “Mendez Principles”.

**CPT, [Press release](#) concerning the 105th plenary meeting, 6 July 2021.**

Para. 2: In addition to preparing future visits and improving the internal organisation of its work, the CPT held an exchange of views with the Association for the Prevention of Torture (APT) on the recently launched Principles on Effective Interviewing for Investigations and Information Gathering which had been drafted by a group of international experts under the leadership of the former United Nations Special Rapporteur on Torture, Prof. Juan Méndez. The CPT welcomes these principles and their promotion in all Council of Europe member States.

**[European Union \(EU\)](#)**

**[Statement](#) by the High Representative/Vice-President Josep Borrell, International Day in Support of Victims of Torture: 25 June 2021.**

Para. 7: Initiatives, such as the Principles on Effective Interviewing for Investigations and Information Gathering, provide guidance on obtaining accurate and reliable information in full



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respect of human rights and dignity of all, including through the implementation of legal and procedural safeguards in the first hours of police custody.

## Organization of American States (OAS)

### OAS General Assembly

#### **Resolution PROMOTION AND PROTECTION OF HUMAN RIGHTS, [AG/RES. 2991 \(LII-O/22\)](#), 7 October 2022**

v. Principles on Effective Interviewing for Investigations and Information Gathering or “Méndez Principles”<sup>1/</sup>

EMPHASIZING the importance of due process of law and its fundamental principles and guarantees in the effective protection of the human rights of persons deprived of their liberty;

ACKNOWLEDGING with interest the development of the “Principles on Effective Interviews for Investigations and Information Gathering” or “Méndez Principles,” which aim to provide practical guidance for States to strengthen preventive measures against torture and other forms of ill-treatment during the investigation process, in particular during interrogations and interviews, and which have been endorsed by the United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment,

RESOLVES:

1. To encourage member states to consider incorporating into their legislation, as appropriate, regulations, training techniques, procedures, and national practices the “Principles on Effective Interviewing for Investigations and Information Gathering” also known as the “Méndez Principles,” which constitute an essential tool for the protection of human rights and the prevention of torture and other cruel, inhuman, and degrading treatment; and to consider establishing training modules on these Principles, for public authority officers who conduct interrogations or interviews to get confessions.

## OSCE Office for Democratic Institutions and Human Rights (ODIHR)

**ODIHR, [Tweet](#), 21 May 2021.**

ODIHR welcomes the new principles that will help law enforcement gather more accurate information, stop coercive interrogation techniques, and prevent #torture & other ill-

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<sup>1/</sup> The United States of America does not believe the “Mendez Principles” are ready for adoption by public authority officers as these principles and the accompanying guidance have yet to be reviewed.



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treatment. Our efforts to move towards a world without torture will continue.  
#MendezPrinciples #HumanRights.

## REFERENCES AND RECOMMENDATIONS FROM INTERNATIONAL CONFERENCES

**Ministry of Foreign Affairs of Denmark and Federal Department of Foreign Affairs of Switzerland, [“Justice for Torture Victims: Applying a victim-centred approach and ensuring the right to redress and rehabilitation in practice Recommendations from conference participants”](#), 2 June 2023. The conference was organized the support of the OSCE 2023 Chairpersonship of North Macedonia and the OSCE Office for Democratic Institutions and Human Rights (ODIHR).**

The conference was co-sponsored by a total of 42 OSCE participating States: Albania, Andorra, Canada, the 27 EU Member States, Georgia, Iceland, Liechtenstein, Moldova, Montenegro, North Macedonia, Norway, San Marino, Switzerland, Ukraine, the United Kingdom, and the United States of America.

Recommendation 33: Train investigators, judges and prosecutors in trauma-informed communication with and interviewing of victims and witnesses of torture, and draw on the Principles on Effective Interviewing for Investigations and Information Gathering (Méndez Principles) where appropriate.

**Ministry of Foreign Affairs of Denmark and Federal Department of Foreign Affairs of Switzerland, [“Torture Prevention in the Criminal Justice System: The Roles and Responsibilities of Police and other Law Enforcement Recommendations from conference participants”](#) November 2021. The conference was organized with the support of the OSCE 2021 Swedish Chairpersonship and the OSCE Office for Democratic Institutions and Human Rights (ODIHR).**

The conference was co-sponsored by a total of 43 OSCE participating States: Albania, Andorra, Armenia, Bosnia and Herzegovina, Canada, the EU and its Member States, Georgia, Iceland, Montenegro, North Macedonia, Norway, San Marino, Switzerland, Turkey, Ukraine, the United Kingdom and the United States of America.

Recommendation 8: Initiate organizational changes to allow for the effective implementation of structured training for police officers on investigative interviewing such as the PEACE model and the Principles on Effective Interviewing for Investigations and Information Gathering, based on human rights and the presumption of innocence.

See also Recommendations 21, 22, 23, 24, 28, 29, 30, 44, and 45.





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## REFERENCES AND DECLARATIONS BY HUMAN RIGHTS NETWORKS AND PROFESSIONAL ASSOCIATIONS

### [Global Alliance of National Human Rights Institutions \(GANHRI\)](#)

[Kyiv-Copenhagen Outcome Declaration](#) **Torture and Other Ill-treatment: The role of National Human Rights Institutions, adopted in Copenhagen, Denmark, on 8 November 2023.**

8. International and regional standards, guidelines, and principles provide key guidance to states in implementing their obligations such as the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (Bangkok Rule), the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), the Mendez Principles on Effective Interviewing for Investigations and Information Gathering.

### [American Bar Association \(ABA\)](#)

[Resolution no. 603](#), **Policies Approved by the ABA House of Delegates in August 2022, ABA Criminal Justice Section, [Annual Report 2023](#), p. 6.**

RESOLVED, That the American Bar Association urges federal, state, local, territorial, and tribal governments and agencies to implement, as appropriate, the Principles on Effective Interviewing for Investigations and Information Gathering (May 2021) in devising and conducting custodial interrogations, interviews, investigations, and information gathering, and to do so equally with respect to suspects, victims, witnesses and informants.



## REFERENCES IN NATIONAL JURISPRUDENCE

### Brazil

#### **Brazil. Superior Tribunal of Justice, Special Appeal 2123334 – MG (2022/0137982-5)**

➤ **Background information on the decision**

*See page 1 (original text available in Portuguese)*

1. O acusado foi condenado pela prática do crime de furto simples, tendo como únicos elementos de prova (I) a confissão informal, extraída pelos policiais no momento da prisão, e (II) o reconhecimento fotográfico. O bem furtado não foi encontrado em sua posse, e um vídeo de câmera de segurança que registrava o momento do crime não foi juntado ao inquérito ou ao processo por inércia da polícia, perdendo-se ao final.

UNOFFICIAL TRANSLATION: 1. The accused was convicted of simple theft on the sole evidence of (I) an informal confession taken by the police at the time of his arrest, and (II) photographic recognition. The stolen goods were not found in his possession, and a security camera video recording the moment of the crime was not added to the investigation or the case file due to police inertia, and was ultimately lost.

➤ **References**

*See page 121 (original text available in Portuguese)*

Não à toa, especialistas em investigação penal, psicologia, neurociências etc., em importante documento elaborado a convite da renomada Anti-Torture Initiative advertem que:

Quando as pessoas realizam entrevistas com a intenção de obter uma confissão, elas têm maior probabilidade de ser influenciadas pelo ‘viés de confirmação’ e procuram interpretar informações que confirmem a sua crença na culpa do indivíduo. Também devido ao viés de confirmação, a pessoa responsável pela entrevista pode inadvertidamente corromper a interpretação das provas físicas ou a análise de outros dados. Na prática, isso significa que elas são mais propensas a utilizar perguntas indutivas ou sugestivas durante a entrevista, bem como táticas coercitivas, manipulativas e intimidadoras, para confirmar suas hipóteses ou crenças preexistentes sobre o envolvimento ou culpa da pessoa entrevistada. Já foi provado que presunções prematuras de culpa levam a condenações errôneas, a decisões equivocadas e à impunidade dos verdadeiros culpados” (VVAA. “Princípios sobre Entrevistas Eficazes para Investigação e coleta de informação”, ATP, 2021, p. 8).

UNOFFICIAL TRANSLATION: No wonder experts in criminal investigation, psychology, neuroscience, etc., in an important document drawn up at the invitation of the renowned Anti-Torture Initiative, warn that:



When people conduct interviews with the intention of obtaining a confession, they are more likely to be influenced by 'confirmation bias' and seek to interpret information that confirms their belief in the individual's guilt. Also due to confirmation bias, the person responsible for the interview may inadvertently corrupt the interpretation of physical evidence or the analysis of other data. In practice, this means that they are more likely to use inductive or suggestive questions during the interview, as well as coercive, manipulative and intimidating tactics, to confirm their pre-existing assumptions or beliefs about the interviewee's involvement or guilt. It has been proven that premature presumptions of guilt lead to wrongful convictions, wrongful decisions and impunity for the truly guilty" (VVAA. "Principles on Effective Interviewing for Investigation and Intelligence Gathering", ATP, 2021, p. 8).

*See page 122 (original text available in Portuguese)*

Faz sentido que em uma investigação preliminar não reduzida a conseguir confissões, reconhecimentos viciados e, em suma, a apontar o culpado "a jato", sejam adotadas cautelas próprias das chamadas entrevistas cognitivas (ou eficazes). Sobre elas, é útil trazer os chamados Princípios Méndez. O nome constitui homenagem a Juan Méndez, que como Relator Especial sobre a Tortura nas Nações Unidas, detectou que o interrogatório de suspeitos com o objetivo de se obter confissões está fortemente relacionado à tortura nos mais diversos sistemas de Justiça.

UNOFFICIAL TRANSLATION: It makes sense that in a preliminary investigation not reduced to obtain confessions, vitiated recognitions and, in short, to point out the suspect "on the spot". the culprit "on the spot", precautions typical of so-called cognitive (or interviews). It is useful to mention the so-called Méndez Principles. The name is a tribute to Juan Méndez, who as Special Rapporteur on Torture at the United Nations, detected that the interrogation of suspects with the aim of the purpose of obtaining confessions is strongly related to torture in the most various justice systems.

*See page 123 (original text available in Portuguese)*

Ou seja: pode-se perceber que o problema reside na lógica obcecada pelas confissões. É ela que precisa ser abandonada para que, em seu lugar, seja construído um modelo de investigação bem orientado, seriamente comprometido com diversidade de hipóteses a serem exploradas, com a procura por uma multiplicidade de elementos informativos ou probatórios que possam contribuir à melhor reconstrução da verdade processualmente válida.

UNOFFICIAL TRANSLATION: In other words: we can see that the problem lies in the logic obsessed with confessions. This needs to be abandoned so that, in its place, a well-oriented investigation model can be built, seriously committed to the diversity of hypotheses to be explored, with the search for a multiplicity of informative or probative elements that can contribute to the best reconstruction of the procedurally valid truth.



*See pages 124 and 125 (original text available in Portuguese)*

O relatório apontava a existência de um conjunto extensivo e crescente de conhecimentos científicos que demonstra que métodos de entrevista não coercitivos, baseados em empatia, são mais eficazes para a coleta de informações. Ao mesmo tempo, pesquisas empíricas conduzidas rigorosamente mostram que a tortura e outros maus tratos são métodos de questionamento ineficazes e contraproducentes. Neste contexto, o relatório exortava à elaboração de um conjunto de parâmetros internacionais para entrevistas, que incluíssem em sua essência a aplicação de salvaguardas jurídicas e processuais pelas autoridades.

(VVAA. “Princípios sobre Entrevistas Eficazes para Investigação e coleta de informação”, Prefácio por Juan Méndez, ATP, 2021, pp. i-ii).

Os princípios Méndez foram elaborados no decorrer dos quatro anos que se seguiram ao relatório mencionado. Um grupo de especialistas em psicologia, inteligência investigativa, neurociências, criminologia, direitos humanos, segurança nacional e forças armadas cuidou de sua elaboração. Além disso, o texto final foi fruto de análises e pesquisas, trabalho que ainda contou com a orientação de um Conselho Consultivo de mais de 80 especialistas de mais de 40 países. E o que eles dizem?

São seis princípios que buscam orientar as chamadas entrevistas eficazes. O documento prefere utilizar o termo eficaz justamente para sinalizar que o respeito aos direitos fundamentais dos cidadãos caminha junto com o conhecimento científico capaz de melhor reconstruir os fatos. O respeito aos direitos humanos não se opõe à verdade dos fatos, ao contrário disso, faz parte de uma estratégia eficaz rumo aos fatos que efetivamente ocorreram. São eles:

- 1) Fundamentos: que as entrevistas eficazes devem ser guiadas pela ciência, pela lei e pela ética;
- 2) Prática: que as entrevistas eficazes constituem um processo abrangente para coletar informações precisas e confiáveis implementando-se as salvaguardas jurídicas correspondentes;
- 3) Vulnerabilidade: que as entrevistas eficazes devem identificar e abordar as necessidades das pessoas entrevistadas em situação de vulnerabilidade;
- 4) Treinamento: que as entrevistas eficazes constituem uma atividade profissional que requer formação específica;
- 5) Responsabilização: que as entrevistas eficazes demandam instituições transparentes e responsáveis.
- 6) Implementação: que a implementação de entrevistas eficazes requer medidas nacionais robustas.

O documento que os apresenta explica, ainda: O objetivo de todas as entrevistas é obter informações precisas e confiáveis da pessoa entrevistada, nunca o de confirmar a crença



da pessoa responsável pela entrevista sobre o que poderia ter acontecido ou coagir a pessoa entrevistada a fornecer informações. Informações precisas e confiáveis são a base para uma tomada de decisão sólida por parte das autoridades que realizam investigações e processos de coleta de informações. (VVAA. “Princípios sobre Entrevistas Eficazes para Investigação e coleta de informação”, ATP, 2021, p. 18)

UNOFFICIAL TRANSLATION: The report pointed to the existence of an extensive and growing body of scientific knowledge that demonstrates that non-coercive, empathy-based interview methods are more effective for gathering information. At the same time, rigorously conducted empirical research shows that torture and other ill-treatment are ineffective and counterproductive methods of questioning. In this context, the report called for the development of a set of international standards for interviews, which would include at their core the application of legal and procedural safeguards by the authorities.

(VVAA. “Principles on Effective Interviews for Investigation and Intelligence Gathering”, Foreword by Juan Méndez, ATP, 2021, pp. i-ii).

The Méndez principles were drawn up over the course of the four years following the aforementioned report. A group of experts in psychology, investigative intelligence, neuroscience, criminology, human rights, national security and armed forces worked on them. In addition, the final text was the result of analysis and research, work that also included the guidance of an Advisory Council of more than 80 experts from more than 40 countries. And what do they say?

There are six principles that seek to guide so-called effective interviews. The document prefers to use the term effective precisely to signal that respect for citizens' fundamental rights goes hand in hand with scientific knowledge capable of better reconstructing the facts. Respect for human rights is not opposed to the truth of the facts; on the contrary, it is part of an effective strategy towards the facts that actually occurred. These are:

- 1) Fundamentals: that effective interviews must be guided by science, the law and ethics;
- 2) Practice: that effective interviews are a comprehensive process for collecting accurate and reliable information by implementing the corresponding legal safeguards;
- 3) Vulnerability: that effective interviews should identify and address the needs of vulnerable interviews;
- 4) Training: that effective interviewing is a professional activity that requires specific training;
- 5) Accountability: that effective interviews require transparent and responsible institutions.
- 6) Implementation: the implementation of effective interviews requires robust national measures.



## Colombia

**Colombia, Special Jurisdiction for Peace, [Appeal decision](#), Auto TP-SA 1296 de 2022, 23 November 2022.**

### ➤ **Background information on the decision**

See para. 15 (original text available in Spanish):

*La SA debe determinar si fue correcta la decisión de la SAI de negar a la señora Nancy CONDE RUBIO la amnistía de sala con fundamento en que sus aportes a la verdad no eran satisfactorios, sin haberle dado por lo menos una oportunidad de complementarlos, aclararlos o explicarlos, en el marco de un espacio de intercambio dialógico que contara con la participación del Ministerio Público. Para ello, reiterará su jurisprudencia sobre el deber que tienen los excombatientes de las FARC-EP de aportar verdad plena en los trámites de amnistía y sobre los compromisos mínimos de diligencia que están a cargo de la Sala de Justicia con el fin de armonizar el requerimiento de verdad plena con el deber que tiene el Estado de conceder la amnistía más amplia posible a los delitos susceptibles de este beneficio transicional y de ofrecer seguridad jurídica a los antiguos integrantes de este grupo armado ilegal. »*

UNOFFICIAL TRANSLATION: "The Appeals Chamber must determine whether the SAI's decision to deny Ms. Nancy CONDE RUBIO amnesty on the grounds that her contributions to the truth were not satisfactory, without having at least given her an opportunity to complement, clarify or explain them, within the framework of a space for dialogue with the participation of the Public Prosecutor's Office, was correct. To this end, it will reiterate its jurisprudence on the duty of former FARC-EP combatants to provide full truth in amnesty proceedings and on the minimum commitments of diligence that are the responsibility of the Justice Chamber in order to harmonise the requirement of full truth with the state's duty to grant the broadest possible amnesty for crimes eligible for this transitional benefit and to offer legal security to former members of this illegal armed group."

### ➤ **References**

See para. 24 (original text available in Spanish):

*Una entrevista desprovista de una adecuada preparación o en la que no se utilizan apropiadas técnicas de interrogatorio también puede afectar la entidad, suficiencia y claridad de la información entregada por quienes comparecen a la JEP. En efecto, las preguntas vagas, generales, sugestivas o repetitivas, o las que se formulan sin ningún direccionamiento u orientación específica de la judicatura, sea que actúe directamente o por intermedio de la UIA, pueden dar lugar a que el compareciente haga relatos igualmente vagos, superfluos o generales o que, incluso estando en condiciones y disposición de hacerlo, se abstenga de aportar datos relevantes y novedosos de orden personal y de contexto que contribuyan a descubrir y*



*caracterizar las estructuras criminales, sus redes, nexos, formas de financiación y patrones. Lo mismo puede ocurrir cuando el entrevistador se enfrenta a la entrevista con la intención única de obtener una confesión. En estos casos, dicen los Principios sobre entrevistas efectivas para investigación y recopilación de información, es probable que aquél se vea influenciado por el llamado "sesgo de confirmación" y crea que, de cara a cumplir con el deber de aportar verdad, solo es útil, relevante o veraz aquella información entregada por el compareciente que confirma "su creencia de culpabilidad".*

UNOFFICIAL TRANSLATION: "An inadequately prepared interview or one that does not use appropriate questioning techniques may also affect the substance, sufficiency and clarity of the information provided by those appearing before the SJP. Vague, general, suggestive or repetitive questions, or questions which are asked without any specific direction or guidance from the judiciary, whether acting directly or through the IAU, can lead the person appearing to give equally vague, superfluous or general accounts or, even when they are able and willing to do so, to refrain from providing relevant and new personal and contextual information which would help to discover and characterise the criminal structures, their networks, links, forms of financing and patterns. The same may occur when the interviewer approaches the interview with the sole intention of obtaining a confession. In such cases, according to the Principles on Effective Interviewing for Investigation and Information Gathering, the interviewer is likely to be influenced by the so-called "confirmation bias " and believes that, in order to fulfil the duty to provide the truth, only information provided by the interviewee that confirms "his or her belief of guilt " is useful, relevant or truthful."



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## BACKGROUND INFORMATION

The [Principles on Effective Interviewing for Investigations and Information Gathering](#) (also known as Méndez Principles) were finalized in May 2021.

The Méndez Principles:

- Support law enforcement officials and investigative bodies to shift from ineffective interrogation practices to rapport-based interviews, that help them collect accurate and reliable information.
- Strengthen the rule of law by ensuring strong safeguards are implemented in practice, from the time a person is detained or questioned.
- Exclude torture-tainted evidence and false confessions;
- Safeguard the integrity of criminal justice processes and the effective administration of justice;
- Increase public trust in and foster cooperation with criminal justice institutions;
- Contribute to the Sustainable Development Goals, in particular SDG 16.3 - promote the rule of law at the national and international levels and ensure equal access to justice for all.

The Méndez Principles are currently available in 15 languages at [www.interviewingprinciples.com](http://www.interviewingprinciples.com).

## APT RESOURCES AND MATERIALS ON THE MÉNDEZ PRINCIPLES

- [Infographic](#) and [Brochure](#).
- [Template for support](#) and existing [list of supporters](#).
- [News on the Principles and compilation](#) of United Nations, regional and national documents/jurisprudence referring to the Principles.
- Paper on [The Méndez Principles on Effective Interviewing: a tool for the implementation of the United Nations Convention against Torture](#) (2022, and updated in 2024).
- Paper on [The Méndez Principles on Effective Interviewing: A torture prevention tool for National Human Rights Institutions \(NHRIs\) and National Preventive Mechanisms \(NPMs\)](#) (2023).
- [Podcast series](#) & [YouTube videos](#) featuring national practitioners and international experts.

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