Principles on Effective Interviewing for Investigations and Information Gathering

Foreword

The extensive normative legal frameworks that prohibit torture and other forms of ill-treatment – at all times and places, even in situations of armed conflict or public emergency – have yet to translate into their eradication during questioning by State agents worldwide. Nor has there been an effective application, in practice, of the safeguards to protect persons deprived of their liberty. In my time as the UN Special Rapporteur on Torture, I observed that the most frequent setting where torture and coercion takes place is in the course of the interrogation of suspects and for the purpose of obtaining confessions or declarations against others. For that reason, I filed a thematic report in 2016 to the UN General Assembly which recognised an opportunity and offered a path forward.[1]

The report pointed to the availability of a large and growing body of scientific knowledge establishing that rapport-based, non-coercive methods for interviewing are the most effective for gathering information. At the same time, rigorous 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 by nature include the application of legal and procedural safeguards by authorities.

This document represents the fruit of that appeal. These Principles are the distillation of experiences in a wide range of countries where law enforcement and security forces use effective interviewing which leads to better results in obtaining accurate and reliable information. The information gathered in this way also preserves the integrity and professionalism of interviewers and enhances civic trust in their institutions.

The Principles we present here are, in essence, an acknowledgement that the outcome of an interview is interconnected with the full enjoyment of rights by a person at each stage of contact with public authorities – regardless of whether such encounters are labelled as conversations, interrogations, interviews or questioning. They represent an alternative to the risks of coerced statements and brutality of torture and a recognition that these tactics lead to false confessions, to unfair trials and undermine the administration of justice. As stated by the European Court of Human Rights, no legal system based upon the rule of law can countenance the admission of evidence obtained through torture because the trial process is a cornerstone of the rule of law and it is irreparably damaged by the use of torture.[2]

These Principles have been drafted by experts in the fields of interviewing, law enforcement, criminal investigations, national security, military, intelligence, psychology, criminology and human rights from around the world. An international Steering Committee of 15 members has guided this process and striven to ground the work on a wide empirical research base, documented good practices, established international law and professional ethics. The final text is the result of four years of their analysis and research in consultation with an Advisory Council of more than 80 experts from over 40 countries. Moreover, the Steering Committee benefited from direct consultations with law enforcement officials and other stakeholders at meetings held in Brazil, Tunisia and Thailand.

It is time for these good practices to be universalised and shared among criminal investigators, of all legal cultures, and among professionals who conduct interviews for a wide variety of legitimate purposes. These Principles can guide the international community and will help to develop a normative framework for effective interviews that avoids human rights abuses, namely torture and ill-treatment, as well as make the investigation and prevention of crime much more effective and consistent.

Juan E. Méndez,
Co-Chair of the Steering Committee of Experts

[1] A/71/298, Report of the Special Rapporteur on Torture, 5 August 2016. *See also* A/HRC/RES/31/31, Resolution of the Human Rights Council, 24 March 2016.
[2] European Court of Human Rights (ECtHR), *Ćwik v. Poland*, no. 31454/10, Judgement, 5 November 2020.

List of Contributors

Steering Committee

(serving in their individual capacity)

Juan E. Méndez, Co-Chair (Former UN Special Rapporteur on Torture; Faculty Director, Anti-Torture Initiative, American University Washington College of Law)
Mark Thomson, Co-Chair (Former Secretary-General, Association for the Prevention of Torture)
Ray Bull (Professor of Criminal Investigation, University of Derby; Emeritus Professor of Forensic Psychology, University of Leicester)
Mark Fallon (Former Special Agent/Counterterrorism Official, Naval Criminal Investigative Service, Department of Defense, USA; Co-Founder Project Aletheia, John Jay College of Criminal Justice)
Verónica Hinestroza Arenas (International Human Rights Law expert; Former Senior Programme Lawyer, International Bar Association's Human Rights Institute, Latin America)
Zaza Namoradze (Director, Open Society Justice Initiative, Berlin Office)
Gavin Oxburgh (Professor of Police Science, University of Northumbria, UK; Ex-Royal Air Force Police Special Investigations Branch)
Pau Perez Sales (Clinical Director, Centro SiRa, Madrid; Editor-in-Chief, Torture Journal)
Asbjørn Rachlew (Norwegian Police Superintendent, Oslo; Guest Researcher at the Norwegian Centre for Human Rights)
Therese Rytter (Legal Director, DIGNITY; Vice-President, European Committee for the Prevention of Torture)
Mary Schollum (Consultant; Former Adviser, New Zealand Police and UK College of Policing)
Rebecca Shaeffer (Legal Director, Fair Trials International, Americas)
Ruth Ssekindi (Director, Uganda Human Rights Commission)
Lilian M. Stein (Professor of Psychology, Pontifícia Universidade Católica do Rio Grande do Sul, Brazil)
Sean Tait (Director, African Policing Civilian Oversight Forum)

Tri-institutional Coordination

apt
association pour la prévention de la torture
asociación para la prevención de la tortura
association for the prevention of torture

AMERICAN UNIVERSITY
WASHINGTON COLLEGE OF LAW
CENTER FOR HUMAN RIGHTS & HUMANITARIAN LAW
Anti - Torture

UiO : Norwegian Centre for Human Rights
University of Oslo

Drafting Groups

(serving in their individual capacity)

Solomon Arase (Legal Practitioner and Security Consultant; Former Inspector General of Police, Nigeria Police)
Steven J. Barela (Senior Research Fellow, Global Studies Institute, University of Geneva)
Alexis Comninos (Legal Adviser, Association for the Prevention of Torture)
Vanessa Drummond (Assistant Director, Anti-Torture Initiative)
Louise Edwards (Director of Research and Programmes, African Policing Civilian Oversight Forum)
Verónica Hinestroza Arenas
Jonathan Horowitz (Former Senior Legal Officer, Open Society Justice Initiative)
Susan Kemp (Commissioner, Scottish Human Rights Commission)
Gisle Kvanvig (Head of UNPOL secretariat, Norwegian Center for Human Rights)
Anne Lardy (Legal Coordinator, International Committee of the Red Cross; Former Legal and Detention Adviser, Association for the Prevention of Torture)
Christian Meissner (Professor of Psychology, Iowa State University)
Andra Nicolescu (Senior Legal and Policy Adviser, Association for the Prevention of Torture)
Gavin Oxburgh
Alka Pradhan (Human Rights Counsel at the Guantanamo Bay Military Commissions; Lecturer in Law, University of Pennsylvania)
Asbjørn Rachlew
Therese Rytter
Mary Schollum
Ruth Ssekindi
Sean Tait
Wilder Tayler (Head of the National Preventive Mechanism, Uruguay)

Chairpersons' Editorial Group

Steven J. Barela, Editor
Barbara Bernath (Secretary General, Association for the Prevention of Torture)
Alexis Comninos
Vanessa Drummond
Juan E. Méndez
Andra Nicolescu
Mark Thomson

Advisory Council

(serving in their individual capacity)

Uju Agomoh (Executive Director, Prisoners Rehabilitation and Welfare Action, Nigeria)
Laurence Alison (Chair in Forensic and Investigative Psychology, University of Liverpool)
Rashid Almansoori (Forensic Science and Criminology General Department, Dubai Police, United Arab Emirates; Centre for Forensic Interviewing, University of Portsmouth)
Paul Angaman (President, International Federation of Action by Christians for the Abolition of Torture)
Igor Areh (Associate Professor of Forensic Psychology, Faculty of Criminal Justice and Security, University of Maribor, Slovenia)
Romel Regalado Bagares (Former Executive Director, Centre for International Law, Philippines)
Steven J. Barela
Gary Barr (Acting Director (retired), ICITAP programme, US Department of Justice)
Rafael Barreto Souza (Initiative Coordinator, United Nations Development Programme Brazil and National Council of Justice; Researcher, Universidade de Brasília - LabGEPEN/UnB)
Sarah Belal (Executive Director, Justice Project Pakistan)
Yuriy Belousov (Head of Department, Counteraction to human rights violations in law enforcement and penitentiary spheres, Office of the Prosecutor General, Ukraine; Former Ukraine Police; Former Head of the National Preventive Mechanism of Ukraine)
Gregg Bloche (Carmack Waterhouse Professor of Health Law, Policy, and Ethics, Georgetown University)
Susan Brandon (Former Research Program Manager, High-Value Detainee Interrogation Group – HIG, U.S.A.)
Ilze Brands Kehris (UN Assistant Secretary General for Human Rights, New York)
Ed Cape (Emeritus Professor, University of the West of England, Bristol)
Andrew Clapham (Professor, The Graduate Institute, Geneva)
Jamil Dakwar (Director, Human Rights Program, American Civil Liberties Union)
Louis Dekmar (Chief of Police, LaGrange Police Department, U.S.A.; Former President, IACP)
Catalina Devandas Aguilar (Ambassador of Costa Rica to the UN in Geneva, Former UN Special Rapporteur on the Rights of Persons with Disabilities)
Santanee Ditsayabut (Expert Public Prosecutor, Director of the Secretariat Office of Nitivajra Institute, Office of the Attorney-General, Thailand)
Graham Dossett (Former UK Police Superintendent; Visiting Fellow, University of Essex Human Rights Centre)
Fernanda Doz Costa (Deputy Director, Amnesty International Americas)
Alice Edwards (Head of Secretariat, Convention against Torture Initiative)
Hatem Essaiem (Commissioner, African Commission on Human and People's Rights)
Malcolm Evans (Former Chair UN Subcommittee for the Prevention of Torture)
Ivar A. Fahsing (Detective Chief Superintendent and Associate Professor, Norwegian Police University College)

Laurel E. Fletcher (Clinical Professor of Law, University of California, Berkeley, School of Law)
Sabina Frederic (Minister of Security, Argentina)
Johan Friestedt (Former Head of Division, Secretariat of the European Committee for the Prevention of Torture)
Fiona Gabbert (Professor, Goldsmiths College, University of London)
Andrew Gilmour (Former UN Assistant Secretary General for Human Rights; Executive Director, Berghof Foundation)
Mykola Gnatovskyy (Former President, European Committee for the Prevention of Torture; Professor, Taras Shevchenko National University of Kyiv)
Robert Goldman (President, International Commission of Jurists)
Alistair Graham (Senior Investigator, International Criminal Court)
Andy Griffiths Former UK Police Detective Superintendent; Visiting Research Fellow, University of Portsmouth; Affiliated Scholar, University of New York)
Gísli Guðjónsson (Emeritus Professor of Forensic Psychology, King's College London, Institute of Psychiatry, Psychology & Neuroscience)
Jill Heine, Initial Editor (Former Legal Adviser, Amnesty International)
Lisa Henry (Secretary General, International Rehabilitation Council for Torture Victims)
Joel Hernandez (Commissioner, Inter-American Commission on Human Rights)
Christof Heyns, who sadly passed away on 28 March 2021 (Former member, UN Human Rights Committee; Professor, University of Pretoria)
Lorraine Hope (Professor, University of Portsmouth)
Ching-Yu Huang (Lecturer, Keele University)
Vincent Iacopino (Former Senior Medical Advisor, Physicians for Human Rights; Adjunct Professor of Medicine, University of Minnesota Medical School)
Marina Ilminska (Senior Policy Officer, Open Society Justice Initiative)
Suzanne Jabbour (Chair, UN Subcommittee for the Prevention of Torture; Chief Executive Officer, RESTART Centre for Rehabilitation of Victims of Torture and Violence, Lebanon)
Taghreed Jaber (Regional Director for Middle East and North Africa, Penal Reform International- PRI)
Steven M. Kleinman (Colonel, U.S. Air Force, Ret., intelligence officer, U.S.A.)
Cheng Lei (Professor, Renmin University of China Law School)
Richard A. Leo (Professor, University of San Francisco)
Hugo Leonardo (President, Institute for the Defense of the Right to Defense – IDDD, Brazil)
Masha Lisitsyna (Senior Managing Legal Officer, Open Society Justice Initiative)
Margarette May Macaulay (Commissioner, Inter-American Commission of Human Rights; former Judge of the Inter American Court of Human Rights)
Luciano Mariz Maia (Associate Attorney General of Federal Public Prosecutor's Office, Brazil)
David Marshall (Visiting Lecturer, Yale University Law School; Justice Advisor, Global Affairs Canada)
Robert McFadden (Former Special Agent, Naval Criminal Investigative Services, U.S.A.)
Nils Melzer (UN Special Rapporteur on Torture; Human Rights Chair, Geneva Academy of International Humanitarian Law and Human Rights)

Rebecca Milne (Professor, University of Portsmouth)
Jens Modvig (Medical Director, DIGNITY; Former Chair, UN Committee against Torture)
Anabella Museri (Máster en criminología, Universidad Nacional del Litoral, Santa Fe, Argentina)
Makiko Naka (Professor of Psychology, Ritsumeikan University; Emeritus Professor, Hokkaido University, Japan)
Manfred Nowak (UN Independent Expert on Children Deprived of Liberty; Former UN Special Rapporteur on Torture)
Shane O'Mara (Professor of Experimental Brain Research, School of Psychology and Institute of Neuroscience, Trinity College Dublin - the University of Dublin, Ireland)
Gustavo Palmieri (Director, Universidad Nacional de Lanus; Member, National Preventive Mechanism of Argentina)
Jelena Pejic (Senior Legal Adviser, International Committee of the Red Cross)
Martine Powell (Professor, Griffith University, Queensland; Founding Director, Centre for Investigative Interviewing, Griffith Criminology Institute)
Devika Prasad (Senior Consultant, Project 39A, National Law University Delhi, and former head, Police Reforms Programme of the Commonwealth Human Rights Initiative)
Dinna Prapto Raharja (Former Representative, ASEAN Intergovernmental Commission on Human Rights; Associate Professor, Binus University, West Jakarta)
Seema Saifee (Research Fellow, University of Pennsylvania Law School; Former Senior Staff Attorney & Clinical Director, Innocence Project)
Marta Santos Pais (Former Special Representative of the UN Secretary General on Violence against Children)
Margaret Satterthwaite (Professor, Center for Human Rights and Global Justice, New York University School of Law)
Stephanie Selg (Former Adviser on Torture Prevention, OSCE, Office for Democratic Institutions and Human Rights)
Christophe Sellie (Deputy Chief of Sûreté Police, Vaud Cantonal Police, Switzerland)
Mandira Sharma (Founder, Advocacy Forum, Nepal; Senior International Legal Adviser, International Commission of Jurists)
Michael Skerker (Professor, U.S. Naval Academy)
Rupert Skilbeck (Director, REDRESS)
Kevin Smith (National Vulnerable Witness Adviser, Major Crime Investigative Support, National Crime Agency, U.K.)
Stavroula Soukara (Associate Professor of Forensic Psychology, Department of Social Sciences, University of Nicosia, Cyprus)
Gerald Staberock (Secretary General, World Organisation Against Torture – OMCT)
Michel St-Yves (Forensic Psychologist, Sûreté du Québec, École Nationale de Police du Québec, Université de Montréal)
Natalia Taubina (Director, Public Verdict Foundation, Russia)
Serra Tekin (Lecturer in Psychology, London South Bank University)
Morris Tidball-Binz (Adjunct Clinical Professor in Forensic Medicine, Monash University, Melbourne; UN Special Rapporteur on extra-judicial summary or arbitrary executions)

Soledad Villagra de Biedermann (Former Member of the UN Working Group of Arbitrary Detention; Professor, Catholic University of Asunción, Paraguay)
Peter Vedel Kessing (Member, UN Committee against Torture; Senior Researcher, The Danish Institute of Human Rights)
Michael Zander (Emeritus Professor of Law, London School of Economics)

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Introduction

1. Law enforcement officials and other investigative bodies – including intelligence and military services – play a vital role in serving communities and maintaining public security by detecting, preventing and solving crime, as well as guaranteeing human rights. The conduct of questioning and interviews lies at the heart of any investigation and intelligence-gathering process undertaken by such authorities.

2. For the purposes of this document, an interview is defined as a structured conversation where one person (the 'interviewer') seeks to gather information from another (the 'interviewee') as part of any investigation or intelligence operation. The objective is to obtain accurate and reliable information while respecting human rights; eliciting facts is the aim, not a confession.

Aims and Purpose: Why Are the Principles Needed?

3. Around the world, false confessions and the unreliability of tainted information arising from abusive practices have led to flawed decision-making, wrongful convictions, and gross miscarriages of justice. Due to the widespread misconception that 'torture works,' questioning, in particular of suspects, is inherently associated with risks of intimidation, coercion and mistreatment.[3] The use of such practices during interviews is both ineffective and counterproductive, with potentially devastating costs to the victims, perpetrators, institutions, and society at large; when they amount to torture, cruel, inhuman or degrading treatment or punishment (other forms of ill-treatment), they are absolutely prohibited by international law.

4. There is a need to move questioning culture away from accusatory, coercive, manipulative and confession-driven practices towards rapport-based interviewing. This includes the application of legal and procedural safeguards throughout the interview process, which reduces the risks of ill-treatment, produces more reliable information and helps to ensure a lawful outcome of the investigation or intelligence operation.

5. The Principles on Effective Interviewing for Investigations and Information Gathering integrate law with the robust and growing scientific research on the questioning methods that most effectively elicit accurate and reliable information from the interviewee. The Principles will:
    a. Assist authorities to improve the effectiveness, fairness, and outcomes of investigation and intelligence gathering processes, while protecting the inherent dignity and human rights of all persons being interviewed; guide policy developments and promote comprehensive implementation of ethical and effective interview frameworks across relevant agencies.
    b. Help authorities and agencies undertake holistic, institutional-level reforms as well as improve on the ways they approach and conduct interviews, including in respect of planning, training, resourcing, and evaluation.
    c. Inform the development of training curricula, manuals, and other educational and instructional materials.
    d. Enable law enforcement and other officials to shift mindsets and institutional cultures away from confession-driven practices towards rapport-based interviewing.

[3] A/71/298, Report of the Special Rapporteur on Torture, 5 August 2016, para. 8.

6. The Principles promote an approach that helps ensure that the presumption of innocence is respected and operationalised, that convictions against guilty persons are obtained, that wrongly accused persons are acquitted, and that justice is served for victims and society at large.

7. The Principles enable the implementation of the United Nations Sustainable Development Goals by contributing to the development of just, safe and inclusive societies with strong institutions in the following ways:

Conduct of Interviews	Justice Systems	Human Rights
• **Eliciting** more accurate and reliable information during interviews. • **Strengthening** the capacity, efficiency, and professionalism of interviewers. • **Eliminating** reliance on unlawful, ineffective, and counterproductive coercive questioning techniques. • **Providing** successful, affordable, and accessible methods and practices with minimal resources. • **Delivering** more effective information-gathering operations.	• **Fostering** greater public trust in and cooperation with criminal justice institutions. • **Upholding** the rule of law. • **Excluding** torture-tainted evidence, and false confessions. • **Decreasing** unreliable information, incidences of wrongful convictions or acquittals and miscarriages of justice. • **Safeguarding** the integrity of justice processes and the effective administration of justice.	• **Ensuring** that no person is subjected to coercion, torture or other forms of ill-treatment. • **Protecting** the physical and mental integrity of all persons who interact with public authorities. • **Improving** respect for the rights of persons in heightened situations of vulnerability. • **Advancing** the application of safeguards and due process guarantees to all persons being interviewed**.** • **Reducing** incentives for justice professionals to rely on coercive tactics.

Scope: To What Situation Do the Principles Apply?

8. The Principles apply to all interviews by information-gathering officials, such as police, intelligence, military, administrative authorities, or other persons acting in an official capacity. This includes different forms of questioning by intelligence personnel, including strategic and tactical debriefings and interrogation by military and intelligence authorities.

9. The approach outlined in the Principles is suitable for both straightforward and complex interviews and can be easily applied to repeat interviews.

10. The most common scenario addressed by the Principles is that of suspect interviews during criminal justice investigations. However, the Principles also apply to interviews with witnesses, victims, or any other persons of interest (regardless of their designation), which may be of at least equal value to an investigation as a suspect interview. The same range of professional skills and technique is required for interviews with all interviewees.

11. The Principles cover the period spanning from the public authorities' first contact with a potential interviewee, to the conclusion of all their interviews; at the same time, the effective implementation of relevant safeguards continues, at a minimum, through the conclusion of all related legal proceedings.

12. An interviewee's legal status and obligations, and the safeguards relevant to their questioning, may vary depending on whether the interviewee is classified as a suspect or accused person in a criminal matter, or a victim, witness, or other person of interest, for example in a military or intelligence context. Some variations in the nature or applicability of such safeguards, or any other considerations relevant to one specific category of interviewee, are indicated throughout the Principles.

13. In situations of armed conflict, when questioning persons for purposes other than criminal justice (such as in tactical or strategic settings by military and intelligence officers), the applicability of certain legal safeguards may differ, in accordance with the relevant provisions of international humanitarian law, human rights law and national law. Nevertheless, the conduct of interviews should always be guided by these Principles.

14. The Principles have been developed with the recognition that every State, jurisdiction and organisation is different and has different legislation, policies and procedures. Various strategies and tactics may be appropriate in relation to suspects, victims, witnesses and other persons of interest, and may vary somewhat depending on the nature and context of an interview. For this reason, the Principles set out a general approach to the conduct of effective interviews and do not promote any specific model. Notwithstanding variation in setting, type and aim of interview, however, the Principles apply in every interview, and are based in foundations of science, law and ethics that pertain in every setting.

Audience: To Whom Are the Principles Addressed?

15. The Principles are primarily addressed to policy makers and authorities in charge of designing, adopting, and executing policies on interviewing and related justice processes. This includes executive authorities, legislators, directors of law enforcement agencies, training academies, disciplinary boards or any other authorities involved in the development and implementation of laws, policies, frameworks or practices relevant to the interviewing of persons.

16. The Principles are also relevant to interviewing professionals and authorities involved in the conduct of interviews, including law enforcement, prosecutors or intelligence gathering agencies, regardless of their designation in any given jurisdiction.[4]

17. Other authorities coming into contact with persons throughout the interview process, for instance legal professionals, including judges, prosecutors and defence lawyers, will also find these Principles applicable. Furthermore, they are of use to oversight bodies, members of civil society, human rights advocates, and others examining situations addressed herein.

18. States should take all appropriate steps to incorporate these Principles into domestic law, regulations, training techniques, procedures and practices. Their use amongst law enforcement, legal professionals, and other relevant authorities should be promoted, with a view to ensuring not only the greatest possible protection for all persons being questioned, but also to obtain the most accurate and reliable information during interviewing.

19. States Parties to relevant international treaties may have specific obligations that go beyond the guidance set out in the present Principles. Likewise, all States are bound by standards of customary international law, as well as by peremptory norms of international law. Nothing in the Principles should be interpreted in such a way as to relieve or excuse any State from full compliance with its obligations under applicable international law.

[4] This includes jurisdictions that use differing terminology to describe the neutral process of interviewing during criminal investigations or intelligence gathering. It is therefore relevant to those professionals using 'interrogation' as a non-coercive method to gather accurate and reliable information. *See* A/71/298, fn. 1 (footnote 3).

Principles on Effective Interviewing for Investigations and Information Gathering

Principle 1 – On Foundations

Effective interviewing is instructed by science, law and ethics.

Principle 2 – On Practice

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

Principle 3 – On Vulnerability

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

Principle 4 – On Training

Effective interviewing is a professional undertaking that requires specific training.

Principle 5 – On Accountability

Effective interviewing requires transparent and accountable institutions.

Principle 6 – On Implementation

The implementation of effective interviewing requires robust national measures.

Principle 1 – On Foundations

Effective interviewing is instructed by science, law and ethics.

20. Findings from empirical scientific studies, international legal standards, and value-based professional duties constitute the foundations of effective interviewing. When integrated in practice, these foundational elements enable interviewers to gather accurate and reliable information while operationalising human rights.

Scientific Foundations

Research on ineffective practice

21. Recent research conducted by professionals and practitioners from a wide range of disciplines – including psychology, criminology, sociology, neuroscience, and medicine – provides significant evidence that the application of coercion can both initially enhance resistance on the part of the interviewee and, if continually applied, lead to the provision of false information or a false confession.[5] Historical assessments and case studies have shown that the application of coercion can backfire by obstructing the collection of factual information. Moreover, studies in neuroscience have shown that coercive techniques interfere with and may damage the memory-retrieval capacity of the brain.[6]

22. Research has proven that unreliable information and false confessions arising from abusive practices are a frequent and foreseeable consequence of poor interviewing techniques.[7] They have led to wrongful convictions and faulty intelligence around the world, thus undermining the objectives and effectiveness of law enforcement and intelligence gathering.[8]

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[5] G.H. Gudjonsson, *The Psychology of False Confessions: Forty Years of Science and Practice* (Hoboken, NJ, John Wiley & Sons, 2018); A. Vrij, C.A. Meissner, S.M. Kassin, A. Morgan III, R.P. Fisher, & S.M. Kleinman, "Psychological perspectives on interrogation", *Perspectives on Psychological Science*, vol. 12, No. 6 (September 2017); S. O'Mara, *Why Torture Doesn't Work: The Neuroscience of Interrogation* (Cambridge, Harvard University Press, 2015); S.M. Kassin, S.A. Drizin, T. Grisso, G.H. Gudjonsson, R.A. Leo, & A.D. Redlich, "Police-induced confessions: risk factors and recommendations" *Law & Human Behavior*, vol. 34, No. 1 (February 2010).

[6] *See, e.g.*, O'Mara, *Why Torture Doesn't Work* (footnote 5); C.A. Morgan III, S. Southwick, G. Steffian, G.A. Hazlett, & E.F. Loftus, "Misinformation can influence memory for recently experienced, highly stressful events", *International Journal of Law and Psychiatry*, vol. 36, No. 1 (January/February 2013); K. Young, W. Drevets, J. Schulkin, K. Erickson "Dose-dependent effects of hydrocortisone infusion on autobiographical memory recall", *Behavioural Neuroscience*, vol. 125, No. 5 (October 2011).

[7] *See* S.A. Drizin, & R.A. Leo, "The problem of false confessions in the post-DNA world", *North Carolina Law Review*, vol. 82 (2004); A.D. Redlich, & C.A. Meissner, "Techniques and controversies in the interrogation of suspects" in *Psychological Science in the Courtroom*, J.L. Skeem, K.S. Douglas & S.O. Lilienfeld, eds. (New York, NY, Guilford Press, 2009). *See also* J.W. Schiemann, *Does Torture Work?* (Oxford, Oxford University Press, 2016).

[8] *See, e.g.*, D. Starr, "The confession", *Science,* (2019); B.L. Cutler, K.A. Findley & T.E. Moore, "Interrogations and false confessions: a psychological perspective" *Canadian Criminal Law Review*, vol. 18, No. 2 (June 2014); G. Lassiter & C.A. Meissner, eds., *Police Interrogations and False Confessions: Current Research, Practice, and Policy Recommendations*, (American Psychological Association, Washington DC, 2010).

23. Scientific evidence demonstrates that the use of coercive interviewing methods is more likely to lessen the interviewee's propensity to cooperate during an interview and to create resistance on the part of the interviewee, even when they might otherwise have chosen to answer questions.[9] In cases where interviewees facing ill-treatment comply with the demands of their interviewer, the information provided is of dubious reliability, as false or misleading information is frequently provided to placate the interviewer and avoid or stop the threat of abuse.[10]

24. Psychologically coercive questioning methods, such as manipulating an interviewee's perception of culpability (e.g. by presenting false evidence), or their perceptions of the consequences associated with a confession (e.g. downplaying or exaggerating the consequences associated with conviction of the alleged crime, implying leniency, or offering moral justifications), have been shown to produce incorrect information and increase rates of false confessions.[11] The threat or enactment of physical harm to an interviewee induces heightened states of stress, which impair memory retrieval and likewise lead to diminished recall of accurate or reliable information.[12]

25. Leading or suggestive questions have been shown to contaminate the interviewee's memory and corrupt the accounts they provide.[13] In the case of suspects, such suggestive and manipulative methods reduce the reliability of information, while also increasing the likelihood of false confessions and wrongful convictions.[14]

26. When interviewers approach an interview with the intention of getting a confession, they are more likely to be influenced by 'confirmation bias' and seek to interpret information confirming their belief of guilt. This can also inadvertently corrupt the interviewer's interpretation of physical evidence or the analysis of other data. In practice, this means that they are more likely to use leading or suggestive questions during the interview, as well as coercive, manipulative, and pressure-filled tactics, in order to confirm their hypotheses or pre-existing beliefs about the interviewee's involvement or guilt.[15] Such premature predictions of guilt have been proven to lead to wrongful convictions, erroneous decisions and impunity for the truly guilty.[16]

27. Some individuals are particularly vulnerable to suggestive questioning. An interviewee's personal characteristics such as age, psychosocial or intellectual disabilities can increase the risk of unreliable information or false confessions by making them more suggestible and affected by

[9] Vrij et al. "Psychological perspectives on interrogation" (footnote 5); S.C. Houck & L.G. Conway, "Ethically investigating torture efficacy: a new methodology to test the influence of physical pain on decision-making processes in experimental interrogation scenarios", *Journal of Applied Security Research*, vol. 10, No. 4 (2015); M.A. Costanzo, & E. Gerrity, "The effects and effectiveness of using torture as an interrogation device: using research to inform the policy debate", *Social Issues and Policy Review*, vol. 3, No. 1 (December 2009).

[10] A.D. Biderman, "Social-psychological needs and 'involuntary' behavior as illustrated by compliance in interrogation", *Sociometry*, vol. 23, No. 2 (June 1960); D. Rejali, *Torture and Democracy* (Princeton, NJ, Princeton University Press, 2007); A. McCoy, *A Question of Torture: CIA Interrogation from the Cold War to the War on Terror* (New York, Metropolitan Books, 2007).

[11] C.A. Meissner, A.D. Redlich, S.W. Michael, J.R. Evans, C.R. Camilletti, S. Bhatt, & S. Brandon, "Accusatorial and information-gathering interrogation methods and their effects on true and false confessions: a meta-analytic review", *Journal of Experimental Criminology*, vol. 10, No. 4 (2014); Kassin et al. "Police-induced confessions" (footnote 5).

[12] R.S. Stawski, M.J. Sliwinski, & J.M. Smyth, "The effects of an acute psychosocial stressor on episodic memory", *European Journal of Cognitive Psychology*, vol. 21, No. 6 (2009).

[13] E.F. Loftus, "Intelligence gathering post-9/11", *American Psychologist,* vol. 66, No. 6 (2011).

[14] B.L. Garrett, "Contaminated confessions revisited", *Virginia Law Review*, vol. 101, No. 2. (April 2015); R.A. Leo, "Why interrogation contamination occurs", *Ohio State Journal of Criminal Law*, vol. 11, No. 1 (2013).

[15] C.A. Meissner, & S.M. Kassin, "You're guilty, so just confess!": cognitive and behavioral confirmation biases in the interrogation room" in *Interrogations, Confessions, and Entrapment*, G.D. Lassiter, ed. (Kluwer Academic/Plenum Publishers, 2004).

[16] F.M. Narchet, C.A. Meissner, & M.B. Russano, "Modeling the influence of investigator bias on the elicitation of true and false confessions", *Law & Human Behavior*, vol. 35, No. 6 (December 2011); A.A.S. Zuckerman, "Miscarriage of justice – a root treatment" *Criminal Law Review*, 323 (May 1992); K.A. Findley, M.S. Scott, "The multiple dimensions of tunnel vision in criminal cases", *Wisconsin Law Review*, vol. 2 (June 2006).

interrogative pressure, trickery, and deceit.[17] Archival analyses of false confessions have repeatedly demonstrated that juveniles and interviewees with psychosocial or intellectual disabilities are prevalent among false confessors.[18]

28. It is often erroneously claimed that it is possible to accurately detect when someone is lying on the basis of nonverbal behaviours.[19] Some claim that training enables interviewers to distinguish whether interviewees are being truthful or not on the basis of an interviewee's emotional responses, body language or physiological responses. These are unreliable indicators of deception.[20] In addition, numerous scientific studies have concluded that 'lie detection' technologies do not detect lies accurately,[21] and if used, may lead to incorrect judgements and miscarriages of justice.[22]

Research on effective practice

29. Robust research supports the efficacy of an information-gathering approach to interviewing. Rapport-based, non-coercive methods offer an effective suite of techniques that can be successfully applied by trained professionals to gather criminal and intelligence information from interviewees – including criminal suspects, victims, witnesses, and intelligence sources.

30. Establishing and maintaining rapport is an adaptive skill that helps create a working relationship between persons and enables better communication.[23] It is achieved by the interviewer establishing a connection with the interviewee based on trust and respect for human dignity.[24] This requires demonstrating genuine empathy[25] as well as reassuring them that they will receive fair treatment.

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[17] A. Vrij, *Detecting Lies and Deceit: Pitfalls and Opportunities*, 2nd ed. (West Sussex, England, John Wiley & Sons, 2011); Vrij et al. "Psychological perspectives on interrogation" (footnote 5); Gudjonsson, *The Psychology of False Confessions* (footnote 5).

[18] Drizin & Leo, "The problem of false confessions" (footnote 7). S.R. Gross, K. Jacoby, D.J. Matheson, N. Montgomery, & S. Patil, "Exonerations in the United States 1989 through 2003", *Journal of Criminal Law & Criminology,* vol. 95, No. 2 (2005).

[19] *See, e.g.*, F. Inbau, J. Reid, J. Buckley, & B. Jayne, *Criminal Interrogation and Confessions*, 5th ed. (Burlington, Mass., Jones & Bartlett Publishers, 2011).

[20] P.A. Granhag, A. Vrij, & B. Verschuere, eds., *Deception Detection: New Challenges and Cognitive Approaches* (Chichester, UK, John Wiley & Sons, 2015).

[21] J. Synnott, D. Dietzel, & M. Ioannou, M. "A review of the polygraph: history, methodology and current status", *Crime Psychology Review*, vol. 1, No. 1 (2015); E. Rusconi & T. Mitchener-Nissen "Prospects of functional magnetic resonance imaging as lie detector", *Frontiers in Human Neuroscience*, vol. 7, No. 594 (September 2013); National Research Council, *The Polygraph and Lie Detection* (Washington, DC, The National Academies Press, 2003).

[22] D. Church, "Neuroscience in the courtroom: an international concern", *William and Mary Law Review*, vol. 53, No. 5 (2012); J.H. Marks, "Interrogational neuroimaging in counterterrorism: a 'no-brainer' or a human rights hazard?" *American Journal of Law & Medicine*, vol. 33, No. 2-3 (2007).

[23] F. Gabbert, L. Hope, K. Luther, G. Wright, M. Ng, & G.E. Oxburgh, "Exploring the use of rapport in professional information-gathering contexts by systematically mapping the evidence base", *Applied Cognitive Psychology* (November 2020); A. Abbe, & S.E. Brandon, "The role of rapport in investigative interviewing: a review" *Journal of Investigative Psychology and Offender Profiling*, vol. 10, No. 3 (2013).

[24] L. Brimbal, S.M. Kleinman, S. Oleszkiewicz, & C.A. Meissner, "Developing rapport and trust in the interrogative context: An empirically-supported and ethical alternative to customary interrogation practices" in *Interrogation and Torture: Integrating Efficacy with Law and Morality*, S.J. Barela, M. Fallon, G. Gaggioli, J.D. Ohlin, eds. (Oxford, Oxford University Press, 2020).

[25] Empathy is a multi-dimensional phenomenon comprising both cognitive processes and emotional (or affective) capacities. It is about having the ability to understand the perspective of the interviewee and to be able to appreciate the emotions and distress of the other. Essentially, it is a pre-conscious phenomenon and can be consciously instigated or interrupted. *See, e.g.*, G.E. Oxburgh, & J. Ost, "The use and efficacy of empathy in police interviews with suspects of sexual offences" *Special Edition of the Journal of Investigative Psychology and Offender*

31. Rapport-based techniques offer the interviewee autonomy over what they do or do not say and facilitate a positive interaction between the interviewer and interviewee,[26] thereby increasing the likelihood of collecting accurate information.[27]

32. Ways to facilitate rapport by the interviewer include the use of behaviours such as establishing common ground – without false pretences – with respect to mutual interests, identity, or attitudes, and using active listening skills.[28]

33. Findings from the large body of research into how the human memory encodes, stores and retrieves information has led to interviewing methods that are effective in both promoting detailed, accurate reporting by interviewees and minimising the effects of factors that can influence their accounts. This includes the use of open-ended, non-suggestive questioning,[29] and allowing a person to freely recall the event or information from their own memory without interruption by the interviewer.[30]

34. Questioning that is strategically planned focuses the interview on the key matters under consideration. This technique also allows the interviewer to determine whether the information provided aligns with information previously collected.[31]

35. Fundamentally, extensive research shows that rapport-based, non-coercive interviewing:
    a. Stimulates communication between the interviewer and the interviewee
    b. Facilitates memory retrieval
    c. Increases the accuracy and reliability of information provided
    d. Enables exploration of the veracity of information provided
    e. Increases the likelihood of information-rich and genuine admissions
    f. Reduces the risk of eliciting false information or false confessions.

Profiling, vol. 8, No. 2 (June 2011); B. Baker-Eck , R. Bull, & D. Walsh, "Investigative empathy: a strength scale of empathy based on European police perspectives", *Psychiatry, Psychology and Law*, vol. 27, No. 3 (2020).

[26] R. Bull, & A. Rachlew, "Investigative interviewing: from England to Norway and beyond", in *Interrogation and Torture*, Barela et al., eds. (footnote 24); L.J. Alison, E. Alison, G. Noone, S. Elntib, & P. Christiansen, "Why tough tactics fail and rapport gets results: Observing Rapport-Based Interpersonal Techniques (ORBIT) to generate useful information from terrorists", *Psychology, Public Policy, and Law*, vol. 19, No. 4 (2013).

[27] C.E. Kelly, J.C. Miller, & A.D. Redlich, "The dynamic nature of interrogation", *Law and Human Behavior*, vol. 40, No. 3 (June 2016); J.M. Kieckhaefer, J.P. Vallano, & N. Schreiber Compo, "Examining the positive effects of rapport building: when and why does rapport building benefit adult eyewitness memory?" *Memory*, vol. 22, No. 8 (2014); U. Holmberg, & K. Madsen, "Rapport operationalized as a humanitarian interview in investigative interview settings" *Psychiatry, Psychology & Law*, vol. 21, No. 4 (2014).

[28] C.J. Dando, & G.E. Oxburgh, "Empathy in the field: towards a taxonomy of empathic communication in information gathering interviews with suspected sex offenders", *European Journal of Psychology Applied to Legal Context*, vol. 8, No. 1 (January 2016); Alison et al., "Why tough tactics fail" (footnote 26).

[29] D. Walsh, & R. Bull, "What really is effective in interviews with suspects? A study comparing interviewing skills against interviewing outcomes", *Legal and Criminological Psychology*, vol. 15 (2010); M.B. Powell, R.P. Fisher, & R. Wright, "Investigative interviewing", in *Psychology and law: An empirical perspective*, N. Brewer, D. Kipling, & D. Williams, eds. (New York, NY, Guilford Press, 2005).

[30] R.P. Fisher, & R.E. Geiselman, *Memory enhancing techniques for investigative interviewing: The cognitive interview*. (Springfield, IL, Charles C Thomas, Publisher, 1992); R. Paulo, P. Albuquerque, F. Vitorino, & R. Bull, "Enhancing the cognitive interview with an alternative procedure to witness-compatible questioning: category clustering recall" *Psychology, Crime, & Law,* vol. 23, No. 10 (2017); A. Memon, C.A. Meissner & J. Fraser, "The cognitive interview: a meta-analytic review and study space analysis of the past 25 years", *Psychology, Public Policy, & Law*, vol. 16, No. 4 (2010).

[31] G. Nahari, & A. Vrij, "The verifiability approach: advances, challenges and future prospects" in *Handbook of Legal and Investigative Psychology*, R. Bull & I. Blandón-Gitlin, eds. (New York, NY, Routledge, 2019); P.A. Granhag & M. Hartwig, "The strategic use of evidence technique" in Granhag, Vrij & Verschuere, eds., *Deception Detection* (footnote 20); S. Oleszkiewicz, & S.J. Watson, "A meta-analytic review of the timing for disclosing evidence when interviewing suspects", *Applied Cognitive Psychology*, vol. 35, No. 2 (2020).

Legal Foundations

36. The fundamental legal standards underpinning the Principles are firmly anchored in international law, drawing on non-derogable *jus cogens* norms, customary international law, treaty obligations, and international, regional, and national jurisprudence. These standards apply to all legal systems and allow for domestic incorporation that takes into account the diversity of legal procedures.

37. Effective interviewing is grounded in international human rights law and standards.[32] The following legal norms are paramount to ensuring the effective practical implementation of the interviewing framework detailed in these Principles:
    a. Freedom from torture and other ill-treatment (the right to humane treatment)
    b. Freedom from arbitrary arrest and detention (the right to liberty and security)
    c. The right to the presumption of innocence
    d. The right to remain silent and the right against compelled self-incrimination
    e. The right to a fair trial
    f. The right to be free from discrimination.

38. The prohibition of torture is absolute, binding on all States, and applies in all circumstances.[33] Coercive interviewing methods or other actions that aim to humiliate, arouse fear, obtain information or force confessions from interviewees by means of duress or threats – or otherwise impair an interviewee's capacity or decision for judgement – can amount to torture or other ill-treatment.[34]

39. The exclusionary rule, itself a non-derogable norm of customary international law, is inherent in the prohibition of torture and other ill-treatment. The exclusionary rule mandates that it is illegal to invoke any information or statements, including an admission or confession of guilt, obtained as a result of torture or other ill-treatment, in any legal proceedings (except against persons accused of such mistreatment, as evidence that the statement or information in question was made or obtained).[35]

40. International law enshrines the following, progressively evolving, specific standards relevant to ensuring that persons are not subjected to torture or other ill-treatment or to other absolutely prohibited practices, such as enforced disappearances and extra-judicial executions:
    a. The use of force during arrest or apprehension and custody is only permitted when strictly necessary and only if other means remain ineffective or without any promise of achieving the intended result. It must be lawful, proportionate, for a legitimate objective and always respect the right to life.[36]

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[32] Particularly the Universal Declaration of Human Rights (UDHR), General Assembly resolution 217 A (III) of 10 December 1948; the International Covenant on Civil and Political Rights (ICCPR), General Assembly Resolution 2200 A (XXI), of 16 December 1966.

[33] Art. 7 of the ICCPR; art. 2 of the United Nations Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (UNCAT); art. 3 common to the Geneva Conventions of 1949.

[34] Art. 16 of the UNCAT; A/71/298, para. 44 (footnote 3); *see, e.g.*, European Court of Human Rights (ECtHR), *Selmouni v. France*, No. 25803/94, Judgement, 28 July 1999, paras. 102-105.

[35] Art. 15 of the UNCAT; Human Rights Committee, General Comment No. 20, Article 7, Prohibition of torture or cruel, inhuman or degrading treatment or punishment, HRI/GEN/1/Rev.9 (Vol. I), 10 March 1992, para. 12; A/HRC/25/60, Report of the Special Rapporteur on Torture, 10 April 2014; *see also* CAT/C/GC/2, Committee against Torture, General Comment No. 2, Implementation of Article 2 by States Parties, 24 January 2008, para. 6; *see, e.g.*, CAT/C/30/D/219/2002, para. 6.10.

[36] Art. 2 of the ICCPR; Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (Basic Principles), 1990; A/RES/34/169, Code of Conduct for Law Enforcement Officials, 17 December 1979; Rule 82 of A/RES/70/175, United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules); A/HRC/RES/46/15, Resolution of the Human Rights Council, 23 March 2021, para. 14; *see also* E/CN.4/2004/56, Report of the Special Rapporteur on Torture, 2003, para.44.

b. The use of less-lethal weapons should always be carefully evaluated and controlled. Firearms must not be used, except when strictly necessary for a legitimate purpose and only when less extreme means are insufficient to achieve these objectives.[37]
c. The use of corporal punishment and devices such as chains, leg irons, and electric stun belts is inherently painful and/or degrading and is always prohibited.[38]
d. Instruments and techniques of restraint can only be used as a matter of last resort; they must be based on an individual risk assessment; they must be the least intrusive possible to achieve legitimate security aims; their use should be regulated by law and recorded – they must never be used as punishment and removed as soon as they are no longer necessary.[39]
e. The systematic compilation and maintenance of up-to-date official registers and records of all persons deprived of liberty.[40]
f. The use of solitary confinement must be strictly regulated by law. It must be used only in exceptional cases as a last resort, for as short a time as possible, and only pursuant to the authorisation by a competent authority. It can never exceed 15 consecutive days and is prohibited with respect to persons with psychosocial disabilities, children, and pregnant or breast-feeding women.[41]
g. Disciplinary sanctions must be consistent with human dignity, lawful and proportionate, issued in accordance with procedural requirements, and properly recorded.[42]

41. The right to personal liberty and security plays a fundamental role in protecting the physical and mental integrity of all persons. The right to liberty requires that no person be subjected to arbitrary arrest or detention. Practices such as enforced disappearance, secret detention, and prolonged incommunicado detention are arbitrary and absolutely prohibited at all times under international law. [43]

42. Persons interviewed as suspects or accused in criminal proceedings are often subject to deprivation of liberty. The authorities must ensure that such persons continue to be treated humanely and enjoy the treatment and conditions of detention as prescribed by international law standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).[44]

43. Any apprehension, arrest or deprivation of liberty must be lawful and conducted according to grounds and procedures that are firmly set out in legislation and consistent with international law, such as pursuant to a judicial warrant or to a probable cause determination. Any instance of arrest and deprivation of liberty must be necessary, proportionate, and a measure of last resort.

[37] Basic Principles, 1990; A/RES/34/169; A/HRC/46/15, para. 12; *see also* CCPR/C/GC/36, Human Rights Committee, General Comment No. 36: Article 6, right to life, 3 September 2019, para. 14.
[38] Rules 43 and 47 of the Nelson Mandela Rules; Rule 67 of the A/RES/45/113, United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules), 14 December 1990.
[39] Rules 47 and 48 of the Nelson Mandela Rules; A/RES/43/173, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (Body of Principles), 9 December 1998.
[40] Art. 17(3) of the International Convention for the Protection of All Persons from Enforced Disappearance (Convention on Enforced Disappearance), 2007; A/HRC/RES/31/31, Resolution of the Human Rights Council, 24 March 2016, para. 9.
[41] Rules 37, 43, 44, 45 of the Nelson Mandela Rules; Human Rights Committee, General Comment No. 20, para 6; A/66/268, Report of the Special Rapporteur on Torture, 2011; Rule 22 of A/C.3/65/L.5, United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), 6 October 2010; Rule 67 of the Havana Rules.
[42] Rules 36 and 37 of the Nelson Mandela Rules; Principle 30 of the Body of Principles.
[43] Art. 9(1) of the ICCPR; art. 17 of the Convention on Enforced Disappearance; art. 37(b) of the Convention on the Rights of the Child (CRC), 20 November 1989.
[44] Nelson Mandela Rules; A/HRC/RES/46/15, para. 6.

Conducting an interview or furthering an investigation do not alone constitute sufficient lawful grounds for the police or judicial authorities to deprive someone of their liberty.[45]

44. Any decision to arrest and detain a person must be based on an assessment of the individual's particular circumstances and any justifiable and substantiated reasons to believe that the person is at risk of absconding, destroying evidence, influencing witnesses, or committing new crimes. Relevant authorities should consider whether any identified risks can be mitigated by the use of non-custodial alternatives to deprivation of liberty. The release of a suspect or an accused person may be subject to necessary, proportionate and non-discriminatory measures aimed to avert the particular risks the individual is held to pose, such as guarantees to appear at trial or to present themselves for interviews. Conditions on release, such as bail, may be imposed but should be the least restrictive necessary to mitigate the specific identified risks, and must be non-discriminatory. [46]

45. The presumption of innocence mandates that suspects or accused persons are considered innocent until proven guilty before a court of law. This means that the burden of proving guilt beyond reasonable doubt rests with the prosecutorial authorities and must be put forward with affirmative evidence in a court of law.[47] By acting in accordance with this legal principle in their practice, interviewers also increase the likelihood that the information they gather will be accurate and reliable, and amount to lawful and actionable evidence for use in legal proceedings.

46. Inherent in the presumption of innocence is the right to remain silent and to be protected against compelled self-incrimination. This right guarantees persons being questioned by authorities the right to refuse to comment or provide answers, in order to avoid compelled self-incrimination or for any other reason. A suspect's or accused's silence should have no bearing on an eventual determination of guilt or innocence in a court and must not affect their right to the presumption of innocence. [48]

47. Authorities must ensure that all interviewees enjoy their human rights without adverse distinction of any sort and are treated without discrimination.[49] Effective implementation of the freedom from discrimination ensures all interviewees are equal before the law and are treated with respect and with the due consideration and specific protection of any situations of vulnerability they may be facing.

48. The foundational legal principles outlined in this section also provide the basis for a range of key legal and procedural safeguards against mistreatment and other abusive practices. These safeguards form an integral part of the comprehensive interview process; when effectively implemented, they work to protect the human rights of the interviewee[50] and to guarantee the integrity of information obtained during interviews.

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[45] Art. 9(1) of the ICCPR; art. 17 of the Convention on Enforced Disappearance.
[46] A/RES/45/110, United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules), 2 April 1991; *see also* guideline 4 of the UNHCR Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention, 2012; pages 17-24 of the UNODC Handbook on Basic Principles and Promising Practices on Alternatives to Imprisonment, 2007.
[47] Art. 14(3) of the ICCPR; CCPR/C/GC/32, Human Rights Committee, General Comment No. 32: Article 14, Right to equality before courts and tribunals and to a fair trial, 23 August 2007, para. 30.
[48] Art. 6(2) and 14(3) of the ICCPR14(3); Article 55(2)(b) of the Rome Statute of the International Criminal Court, 17 July 1998; rule 111 of the Nelson Mandela Rules; principles 15 and 24 of the Body of Principles; *see also* ECtHR, *John Murray v United Kingdom*, No. 18731/91, Judgement, 1996, para. 45.
[49] Art. 2(1) of the ICCPR; Human Rights Committee, General Comment No.18: Non-discrimination, adopted at the Thirty-seventh Session, 10 November 1989.
[50] A/HRC/RES/31/31; *see also* R. Carver & L. Handley, *Does Torture Prevention Work?* (Liverpool, UK, Liverpool University Press, 2016).

Professional Ethics Foundations

49. Effective interviewers should observe the highest ethical standards. Professional regulations for law enforcement and other information-gathering authorities, such as codes of ethics or professional conduct, set out the purpose, values and expectations of appropriate behaviour.[51] These professional standards should govern all aspects of an official's duties, including interviews, in conformity with international legal obligations.

50. A commitment to conducting ethical interviews should guide any interviewer. They should not sacrifice principle for expediency even when there is great pressure to do otherwise (e.g. due to limited time or demands for results). In the exercise of power when applying the law, interviewers should aim to obtain a solid, defensible outcome that withstands ethical, judicial and public scrutiny.

51. Professional codes of ethics for law enforcement officials emphasise the importance of respect, fairness and honesty as the foundations for all interviews:
    a. Respect includes respect for the law, the rights and dignity of the person, and the integrity of the information-gathering process. It also includes respect for individual autonomy, including every interviewee's right to choose whether to speak or not.
    b. Fairness means that interviewers treat interviewees justly, without favouritism or discrimination. Fairness is acting with self-control and professionalism at all times, even in the face of provocation, and putting aside all personal views.
    c. Honesty means sincere and truthful dealings with interviewees. Interviewers do not manipulate or deceive interviewees with lies, misrepresentations, overstatements, partial truths, or any other means.

52. At all times, officials are expected to use State power lawfully, fairly and responsibly. Any unlawful act, committed in an official capacity, is an abuse of power. Unethical acts, such as lies and manipulation, may also constitute an abuse of power.

53. Interviewers have an ethical duty to adopt the most effective methods available that protect the rights and dignity of interviewees as well as the integrity of the process. Interviewers have a corresponding duty to reject coercive tactics, as they harm interviewees, undermine the objective of gathering accurate information and can amount to human rights violations.

[51] *See, e.g.*, A/RES/34/169; International Association of Chiefs of Police (IACP), Law Enforcement Code of Ethics, October 1957; Southern African Regional Police Chiefs Co-operation Organisation (SARPCCO), Harare Resolution on the SARPCCO Code of Conduct for Police Officials, 31 August 2001; Rec(2001)10, The European Code of Police Ethics, Council of Europe, 19 September 2001.

Principle 2 – On Practice

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

A Comprehensive Process

54. Effective interviewing is a process, not a single event. It encompasses all interactions between the investigative and information-gathering authorities with persons to be questioned. This begins with the moment an individual is identified as someone from whom an official wants to gather information, continues through to the conduct of the interview itself and concludes once the interviewer has conducted an assessment of the process and an analysis of the results. The interviewee's treatment throughout the process – before, during, and after the conduct of any interviews – is essential to the integrity of the process.

55. Interviewing is a complex adaptive process involving human beings, human behaviours and human rights. The process is affected by the environmental conditions, and the outcomes can be influenced by the actions of the interviewer and all authorities involved. As a result, the interviewer is focused on information-gathering, rather than a drive to generate a confession, and maintains a flexible rather than linear approach to successfully elicit reliable and accurate accounts. Furthermore, every interview is different, so interviewers need to exercise their best professional judgement in deciding how to proceed at any particular point, but always in line with these Principles.

56. Interviews do not exist in isolation; they are part of a wider investigation or information-gathering effort. An interview will be guided by the objectives of the larger operation and by other available evidence. The information gathered during the interview may in turn be used to adjust the aims and strategies of the broader investigation, and even open new lines of enquiries. Information obtained during interviews can be crucial, as it commonly provides the foundation for subsequent decisions, such as whether to prosecute or not, and may be presented as important evidence in legal or other proceedings.

57. An effective interview process will typically involve the following:
    a. Thorough preparation and planning
    b. Ensuring relevant safeguards are applied throughout
    c. Keeping an open mind, including avoiding prejudice
    d. Creating a non-coercive environment
    e. Establishing and maintaining rapport
    f. Using lawful and scientifically supported questioning techniques
    g. Active listening and enabling the interviewee to speak freely and completely
    h. Assessment and analysis of the information gathered and the interview process.

Accurate and Reliable Information

58. The objective of all interviews is to obtain accurate and reliable information from the interviewee; it is never to confirm the interviewer's belief about what might have happened, or to coerce the interviewee into providing information. Accurate and reliable information provides the basis for sound decision-making by authorities conducting investigations and information-gathering processes.

59. Seeking accurate information in an interview means that interviewers aim to obtain a description of events that is as free as possible from error or defect. Memory can be fragile, imperfect, incomplete and may degrade quickly. Therefore, interviewers should seek to gather and record an account of what occurred during an event under examination, which is as factual and complete as possible without omissions or distortion.

60. Seeking reliable information in an interview means that the account, when given without hindrance or coercion, is likely to be dependable and can withstand scrutiny, for example in subsequent legal proceedings.

Legal Safeguards

61. Legal and procedural safeguards grounded in international legal norms are an essential component of the interviewing process. Their effective implementation before, during, and after the interview contributes to the success of the process, by ensuring respect for human rights and enhancing the reliability and evidentiary value of the information obtained. They increase the likelihood of professional, effective interviews and the observance of fair treatment throughout the information-gathering and judicial processes. Therefore, it is in the interest of authorities, including interviewers, to ensure that interviewees are treated with dignity and due respect for the relevant legal standards because it produces legally sound outcomes.

62. The authorities must ensure the effective implementation of the following safeguards throughout the interview process:[52]
    a. Right to information about rights
    b. Right to remain silent
    c. Right to information about the reasons for arrest and any charges at the time of the arrest
    d. Access to interpretation
    e. Right to notify a relative or third party of one's detention
    f. Right of access to a lawyer, including through legal aid
    g. Right of access to a doctor and an independent medical examination
    h. Right to contact with the outside world
    i. Registration of persons held in detention
    j. Full recording of the interview
    k. Right to review and sign the interview record
    l. Right to be brought promptly before a judge or other judicial authority
    m. Access to effective and independent complaints mechanisms and oversight.

Before the Interview – Ensuring a Non-coercive Environment

63. The respect and fulfilment of human rights from the first moment of contact between the interviewee and authorities is essential to creating a non-coercive environment. This allows law enforcement, intelligence, security or military officials to create conditions conducive to

[52] A/HRC/RES/31/31; A/HRC/RES/46/15, paras. 4 and 5.

gathering accurate and reliable information during the interview, to fulfil State obligations under international law and to protect the rights of the interviewee.

64. Unlawful and unprofessional behaviour, and a lack of accountability, at the early stages of contact may taint the overall judicial process irreversibly.

65. Stereotypes and prejudices can contaminate an interview and undermine the open-minded, rapport-based approach necessary to secure accurate information from interviews. Interviewers should exercise heightened self-awareness in order to prevent conscious and unconscious preconceived judgment regarding the interviewee's identity, characteristics or background from affecting their questioning and interpretation of the information provided.

66. 'Informal talks'[53] that risk circumventing official interviews or applicable safeguards should not take place. Once a decision has been made to arrest, officers should only ask prospective interviewees a limited range of questions outside of official interviews, such as personal information or biographical data that are necessary for the purposes of conducting the arrest and administering custody intake procedures.

67. The risk of unlawful and inhumane treatment is particularly high upon apprehension or arrest and before arrival at an officially recognised place of detention. Risks associated with this period include excessive use of force, misuse of restraints, impromptu coercive questioning, and prolonged periods of confinement in transport vehicles – all of which may amount to torture.[54]

68. When a decision has been made to place a person in detention, authorities must ensure that this person is taken without delay to an officially recognised place of detention. Any time a detainee is transferred to or from a place of detention (or other location, such as a courthouse) for interviewing, they must be transported in a humane, secure and safe manner. Procedures for the safe transport of detainees should be supported by full and proper record keeping, in an official register that opens a custody record for each individual and records details such as the time of deprivation of liberty, the persons responsible for their custody, their condition on arrival, and the time of arrival at the place of detention. [55]

69. Ill-treatment or substandard conditions during this initial period may have a negative effect on the investigation and any subsequent interview: interviewees may be reluctant to talk and may suffer cognitive and physical ill-effects that impair their ability to fully understand and exercise their rights, as well as their ability to provide accurate and reliable information. Ensuring protection of the interviewee's human rights and dignity during this time, beyond being a legal duty of officials, contributes to the integrity of all subsequent procedures.

70. When a person is detained prior to or between interviewing sessions, authorities must ensure that they are held in human-rights compliant conditions and treated with dignity at all times. This includes meeting their basic needs with regards to food, water, temperature, and adequate rest.[56]

71. Interviews should not be excessive in length and be conducted in a non-intimidating, human-rights compliant environment[57] with attention to privacy and safety. Optimal physical conditions

[53] This refers to any communication between an official and a suspect, witness, victim or other person of interest outside an official interview.
[54] *See* A/72/178, Report of the Special Rapporteur on Torture, 20 July 2017.
[55] Art. 17 of the Convention on Enforced Disappearance.
[56] Art. 16 of the UNCAT; A/HRC/RES/46/15, para. 6; *see also* CPT/Inf(2019)9, 28th General Report of the CPT, April 2019, para. 80; African Commission of Human and People's Rights, the Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa (Luanda Guidelines), 28 July 2016, Rule 4(e); Inter-American Commission on Human Rights, the Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas, approved by the Commission during its 131st regular period of sessions, held from March 3-14 2008, principle XI.
[57] A/HRC/RES/31/31, para. 12.

for the interviewee, can improve concentration, promote rapport, enhance communication, and facilitate reliable recall.

Keeping the interviewee informed

72. Demonstrating concern for the interviewee from the initial contact is the first opportunity for creating trust and rapport. This is more likely when an interviewee is given early, explicit explanations of why they have been brought in for questioning, which formalities apply, and how the interview will proceed. Explaining procedures and likely activities is an early opportunity to display sincerity, provide predictability, be respectful and attentive, and promote trust. [58]

73. When depriving someone of their liberty, detaining authorities must clearly explain to this person: the action that is taking place (such as arrest); the legal and factual grounds that justify that action; [59] and clearly communicate to them information about their rights.[60] The detaining authority should take all measures necessary to ensure, throughout the process, that the person has understood both reasons and rights, including how to access and exercise their rights meaningfully.

74. The right to be informed by the detaining authority about the reasons for arrest applies regardless of the manner, or the formality or informality with which an arrest is conducted, and regardless of the reasons for the deprivation of liberty. Providing information about the reasons for arrest and any charges is a safeguard against arbitrary arrest and enables a person to challenge the legality of their arrest and seek release if they believe the reasons for the arrest are unfounded, invalid, or otherwise unlawful. This also enables a person to challenge and seek to modify their conditions and treatment in detention.

75. Information regarding an interviewee's rights and how to exercise them should be conveyed verbally, in clear, non-technical, and precise language upon arrest; and it should also be provided in writing by the detaining authority upon arrival at the place of detention in a language and format they understand. The written form setting out their rights must be signed by the arrested person and they must be allowed to keep a copy.

76. Professional and independent interpreters should be provided for all interviewees who do not speak or understand the language used by the authorities, including persons with sensory disabilities such as visual, auditory, and other impairments. Such interpretation should be provided promptly and throughout the interview process, notably when the arrested persons' rights are explained to them and when they choose to exercise their rights of access to a lawyer and a doctor or medical professional.[61]

Notification of Family or Third Party

77. A key safeguard for detainees is their right to promptly notify a family member, friend, or other person of their choice about the fact, place and circumstances of their detention.[62] The detaining authority is responsible for enabling the communication with the third party and recording who has been notified and when the notification took place. In addition to being a legal obligation, facilitating this contact with the outside world is also an opportunity to build trust and rapport with a detainee.

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[58] C.J. Place & J.R. Meloy, "Overcoming resistance in clinical and forensic interviews", *International Journal of Forensic Mental Health*, vol.17, No. 4 (2018).
[59] Art. 9(2) of the ICCPR; A/HRC/RES/31/31, para. 6; A/HRC/46/15, para. 4.
[60] A/HRC/RES/31/31, para. 6; A/HRC/RES/46/15, para. 4; principle 13 of the Body of Principles.
[61] A/HRC/RES/31/31, para. 12(d); A/HRC/RES/46/15, para. 4; rule 55(2) of the Nelson Mandela Rules; principle 14 of the Body of Principles; *see also* A/RES/67/187, United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (Principles and Guidelines on Legal Aid) 20 December 2012, para 42(d).
[62] Art. 17(2)(d) of the Convention on Enforced Disappearance; A/HRC/RES/46/15, para. 5; principle 16 and 19 of the Body of Principles.

78. Authorities may only delay the notification of a third person on an exceptional basis, and only if the delay is provided for by law and necessary to prevent a risk to the investigation (such as to prevent the destruction of evidence or the flight of accomplices). The reasons for the delay should be recorded in a detailed manner, be accessible to counsel and to the person deprived of liberty, be approved by a prosecutor or a judge or other appropriate senior official and be judicially monitored as to the continuing necessity and proportionality of any delay.[63]

79. Foreign nationals who are arrested or detained must be informed immediately of their right to communicate with a consular or diplomatic representative of their country of origin, and asylum seekers should be informed of their right to contact relevant international agencies.[64] Contact is to be facilitated by the detaining authority.

Access to a Lawyer

80. All detained persons being interviewed have a right to a lawyer, including through legal aid, before any questioning by authorities – independent of their status or formal designation. This right applies from the outset of deprivation of liberty.[65]

81. Access to a lawyer is inextricably linked to the protection of rights, prevention of torture and other ill-treatment, and helps to protect against compelled self-incrimination.

82. The interviewee is entitled to a lawyer of their own choosing, or to have one provided for them free of charge where the interests of justice so require.[66] They are entitled to confer with their lawyer with sufficient time in a confidential setting before the interview. Detention officials must actively facilitate the timely attendance of a lawyer in coordination with the interviewer (if this is a different person).[67]

83. When the interviewee requests the presence of a lawyer, the interview – or so-called 'informal talks' – cannot take place before the interviewee has met with their lawyer and should not take place without the lawyer present.

84. Interviewees can waive their right to a lawyer. If or when an interviewee decides to waive their right to a lawyer, the waiver must be free, voluntary and properly recorded, and it should be signed by the detained person. Anyone who has waived their right to a lawyer should be clearly informed that the waiver can be revoked at any time.[68]

85. The presence of the lawyer is compulsory for detained children interviewed as suspects.[69]

Access to Medical Examination and Health Care

86. Authorities have a duty to protect the integrity and health of all persons in their custody. Detainees must be expressly guaranteed the right of access to a doctor and the right to a medical examination by an independent health professional, without delay, from the moment of

[63] Principle 16.4 of the Body of Principles; Principles and Guidelines on Legal Aid, para. 43(e).
[64] Art. 17(2)(d) of the Convention on Enforced Disappearance; A/HRC/RES/46/15, para. 4; principle 16.2 of the Body of Principles.
[65] Art. 14(3)(d) of the ICCPR; principle 17 of the Body of Principles.
[66] Art. 14(3)(d) of the ICCPR; Principles and Guidelines on Legal Aid.
[67] Principles and Guidelines on Legal Aid, para 43(d); principle 18.3 of the Body of Principles; CCPR/C/GC/32, para. 34.
[68] Principles and Guidelines on Legal Aid, para 43(b).
[69] Art. 37(d) and 40(2)(b)(ii) of the CRC; *see also* Committee on the Rights of the Child, CRC/C/GC/10, General Comment No. 10 (2007), Children's rights in juvenile justice, 25 April 2007, paras. 49-50.

deprivation of liberty. The detaining authority is also responsible for providing detainees with access to medical care throughout their detention.[70]

87. The physical and mental state in which an arrested or detained person enters the detention facility, including signs or complaints of excessive force used during the arrest and transportation into custody, should be recorded by the doctor or other medical professional. An independent medical examination, in accordance with the Istanbul Protocol, should take place without delay, if the detainee so requests, or where there is a suspicion or indication, that they have been subjected to torture or other ill-treatment.[71] The medical professional conducting the examination should not belong to or be functionally dependent upon the detaining authorities or to a law-enforcement agency. No interview should take place until the medical examination is completed.

88. Medical examinations should be provided free of charge by appropriately and adequately trained, impartial and independent health professionals. Authorities should ensure that the medical staff involved in the examination is of the gender preferred by the person examined. Medical staff should ensure that detainees provide free and informed consent before and throughout examinations, testing, or course of treatment. Special measures should be taken to ensure that persons with disabilities are provided with information in a manner or form that allow them to provide free and informed consent.[72]

89. All medical examinations should be conducted out of the hearing and out of the sight of the law enforcement staff. In exceptional cases, if the health professional so requests, special security arrangements may be considered such as having an officer within call or within sight but always out of hearing. Such arrangements should be noted in both the examination and custody records. The use of any means of restraint during the medical examination should be avoided and must always be based on an individual security assessment by the medical professional.[73]

90. All health findings, mental and physical, should be documented, made available to the detainee and their lawyer, and accessible if needed for later legal proceedings. The detainee or suspect has a right to access the records of their medical examinations and treatment. The confidentiality of medical data is to be strictly observed, and non-medical staff should not have access to medical records or injury reports, except on a need-to-know basis.[74]

91. Individuals who are to be interviewed must be physically and psychologically fit for that purpose. Being in the right state of health significantly facilitates both the development of trust and rapport and the elicitation of information from memory.[75] Interviewing someone who appears to be traumatised, distressed, exhausted, intoxicated, or otherwise in a weakened state, may re-traumatise them, increase suggestibility, produce poor quality information and risk that evidence being challenged or rejected in subsequent legal processes. Interviewers should temporarily delay an interview if an interviewee appears to be in an unfit state, or if a medical professional has advised that the detainee is unfit for an interview.

Preparations for the Interviewer

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[70] A/RES/34/169, art. 6; principle 24 of the Body of Principles; *see also* A/RES/37/194, Principles of Medical Ethics Relevant to the Protection of Prisoners Against Torture (1983) (Principles of Medical Ethics) adopted by the United Nations General Assembly on 18 December 1982.
[71] UN Office of the High-Commissioner for Human Rights (OHCHR), Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), 2004, HR/P/PT/8/Rev.1.
[72] Art. 25(d) of the CRPD; World Medical Association Declaration of Lisbon on the Rights of Patients (Lisbon Declaration), adopted by September/October 1981, amended in September 1995, editorially revised in October 2005, reaffirmed in April 2015; Istanbul Protocol, paras. 63-64.
[73] Istanbul Protocol, paras. 6, 82.
[74] Principle 26 of the Body of Principles; Lisbon Declaration, para. 7; Istanbul Protocol, para. 65.
[75] S. O'Mara (2020) "Interrogating the Brain: Torture and the Neuroscience of Humane Interrogation" in *Interrogation and Torture*, Barela et al., eds. (footnote 24).

92. Once an individual has been identified as a person the authorities wish to interview, the appointed interviewer should start thorough preparations. This initial work should always take place within an overarching interview strategy so that the interview is considered in the context of the overall investigation or information-gathering operation.

93. Being fully prepared increases an interviewer's ability to effectively communicate with interviewees, and hence, the likelihood of obtaining reliable information. Efforts spent on planning reduce the risk of having cases dismissed as a result of procedural or other avoidable errors.

94. Before commencing an interview it is crucial to maximise the investigative and evidentiary value of the information already gathered. To the extent possible, interviewers should obtain and review as much evidence or information as is available – such as witness and victim statements already taken, prior statements by a suspect, forensic reports, physical evidence, and electronic images and information. Interviewers should assess the relevance and reliability of the available information and identify information gaps that need to be filled before and during the interview.

95. When preparing for an interview – and throughout the process – interviewers should exercise caution to avoid 'confirmation bias.' Interviewers should actively search for evidence or explanations that go beyond their initial assumptions or views, including those that indicate innocence. By keeping an open information-gathering mindset throughout the process, interviewers remain as objective as possible. They should also consider alternative plausible explanations to be explored during the interview to both eliminate doubt about the matters being examined and set conditions for well-informed decisions.

96. Each interview requires an interview plan outlining such details as the objectives, specific questions to be asked, mode of recording, timing, location of the interview and other persons to be in the room. Effective interviews should be limited in time and focused on clear objectives.[76] Plans should include an element of flexibility as each interview is different and the interchange will be dynamic.

97. Knowing how and when to present evidence and information during an interview is a key skill for interviewers; this should be a part of an interviewer's preparations. The timing of disclosure of potential evidence can be an effective way to determine the reliability of what the interviewee says. If evidence is presented too early, any information provided subsequently may simply reflect what the interviewee learned during the interview or thinks they should say, rather than being the result of authentic memories.[77] Planning for the appropriate timing of disclosure of information, therefore, can mitigate the risk of contaminating an interviewee's memory. Any strategic disclosure of evidence must be consistent with national laws concerning the right of suspects to obtain sufficient information about the accusations to be able to challenge effectively the lawfulness of the arrest or detention.

98. In their preparations, interviewers should consider how they will make a record of what is said. Prior to the interview, the interviewer should always advise the interviewee and their lawyer how the interview will be recorded and obtain their free and informed consent.

99. Audio-visual recording allows the interviewer to focus on the interview and saves time if a judicial process ensues. An audio-visual recording of the entire interview is also an important safeguard against ill-treatment.[78] When done correctly, it provides a complete and authentic

[76] J.J. Cabell, S.A. Moody & Y. Yang, "Evaluating effects on guilty and innocent suspects: an effect taxonomy of interrogation techniques" *Psychology, Public Policy, and Law*, vol. 26, No. 2 (2020). D. Davis, & R.A. Leo, "Interrogation-related regulatory decline: ego depletion, failures of self-regulation, and the decision to confess", *Psychology, Public Policy, and Law*, vol. 18, No. 4 (2012).
[77] Granhag & Hartwig "The strategic use of evidence technique", (footnote 31).
[78] Rule 9(c) of the Luanda Guidelines; ECtHR, *Doyle v. Ireland*, Application no. 51979/17, Judgement, 23 May 2019, para. 99; CPT, 12th General Report, CPT/Inf(2002)15, para. 36; *see also* Fair Trials International and

record of the interview.[79] The use of this technology facilitates the investigation of any allegations of ill-treatment, which is in the mutual interest of the interviewer and the interviewee in cases where misconduct is alleged.

100. If recording equipment is available but not used, the specific reasons and justifications should be recorded. Any other deviations from departmental or agency policies on recording should also be documented. Any electronic recording of interviews must be kept for a reasonable period and be made available for review by appropriate persons.[80]

101. Interviewers should verify all aspects of pre-interview activity and interviewee treatment, including custody records, so that they can assess any potential impact previous activity might have on the interview.

102. The interviewer should ensure that all safeguards which apply prior to the interview have been upheld, including by working with legal representatives. This contributes to building rapport with the interviewee as it demonstrates the interviewer's respect for the human rights and dignity of the interviewee and improves the prospects for obtaining reliable information.

103. Interviewers are responsible for considering the interviewee's needs identified earlier by officials, as well as for assessing situations of heightened vulnerability (including the emotional state of the interviewee) and preparing to address them in appropriate ways. For example, they may need to arrange to have third parties present, such as legal representatives and support persons for children or interviewees with intellectual or psychosocial disabilities.

104. Interviewers should continually monitor their own emotions about the subject matter and their feelings toward the interviewee, to be able to project calm and self-control throughout the interview. If this appears impossible, a different interviewer should be assigned to take over.

During the Interview – Establishing and Maintaining Rapport

105. Effective interviewers are adaptable, listen carefully, communicate empathy, and adopt the ethos that non-coercive, humane, ethical, lawful and appropriate questioning serves the interest of all involved: the interviewer, the interviewee and the information-gathering authorities. They recognise that the interviewer's role is to acquire the best possible information for decisions to be made. Only courts determine guilt or innocence.

106. The development of rapport is essential in supporting effective information-gathering. During the interview, rapport entails establishing and maintaining a relationship characterised by: respect and trust; a non-judgmental mindset; non-aggressive body language; attentiveness; and patience. This reduces the effects of the inherent power imbalance in the interview process.

107. The interviewer should take time to interact meaningfully with the interviewee and clearly restate information about their rights and the interview procedure; if necessary, this includes the assistance of an interpreter and any other third parties to assist in communication. If the interviewee seems uncertain about their rights, the interviewer should explain them again and confirm that they have been understood. In the case of suspects in criminal cases, interviewers should remind the individual that they have a right to remain silent and that their account may be used in evidence against them.

Hungarian Helsinki Committee, Meeting report – Experience-sharing Event on Audio-visual Recording of Interrogations in Criminal Proceedings, 9 November 2018.

[79] Audio-visual recording should include both the interviewer(s) and interviewee in the video frame. A focus only on the interviewee distorts the perceptions of those who may subsequently view the video (e.g., judges or juries), *see* G.D. Lassiter, L.J. Ware, M.J. Lindberg, & J.J. Ratcliff, "Videotaping custodial interrogations: toward a scientifically based policy", in *Police Interrogations and False Confessions*, Lassiter & Meissner, eds. (footnote 8).

[80] Principle 23 of the Body of Principles.

108. A lawyer present during an interview serves as a legal resource, an eyewitness to the fairness of the process, and a safeguard against misunderstandings, misrepresentations and any attempt to conduct the interview unlawfully. These functions serve to enhance the evidentiary value of the information gathered during the interview.

109. An effective interviewer should establish a respectful and professional working relationship with the lawyer. The lawyer present is entitled to ask questions, solicit clarifications, contest evidence presented, challenge unfair questions or abusive behaviour on the part of the interviewer, and be generally vigilant of their client's rights.

110. If an interviewee requires the presence of a lawyer, even if they have previously waived that right, the interview will be suspended until a lawyer is present.

111. The interviewer should remain attentive to the interviewee's mental and physical state throughout the interview. They should be provided with sufficient uninterrupted rest periods and adequate food and drink.

112. Setting out expectations at the beginning of an interview will lead to a more effective process. For example, the interviewer should encourage the interviewee to say if there is anything they do not understand or believe they have been misunderstood. Interviewees should be invited to give as much relevant detail as they can, to take as much time as they need before answering, to ask questions and to say if they need something.

Information-Gathering Techniques

113. Active listening helps the interviewer process the information provided by the interviewee. By listening actively, the interviewer shows that they are following what the interviewee is saying and making efforts to understand. The interviewer takes care not to lead an interviewee inadvertently by using verbal or visual cues, including sounds, gestures or questions, which may be interpreted as agreeing or disagreeing with what the person is saying.

114. The interviewee should be invited to explain in their own words their involvement in, or knowledge or recollection of the matter under scrutiny, and should be allowed to respond fully. This can then be probed for further detail to fill any gaps or explain discrepancies.

115. The interviewer should not generally interrupt the interviewee or break their train of thought and always remain attentive to information provided by the interviewee in order to notice important details and identify specific topics requiring follow-up. Not interrupting is supplemented by making use of silence where appropriate. By remaining quiet, the interviewer signals that it is acceptable to take time to stop and think, and that the interviewer is willing to wait in order to get more details.

116. The type of questioning employed in an interview contributes to achieving the desired objectives and overall outcomes. The aim is to obtain as much voluntary and uncontaminated information as possible. Each question should have a purpose and be asked in a non-judgemental way. The language used should be clear and avoid technical terms or jargon and acronyms.

117. Open-ended questions, such as 'explain to me,' 'tell me' or 'please describe,' reduce the risk of contaminating the interviewee's memory; they are more likely to produce more details and fuller answers, which are less likely to have been influenced by the interviewer.

118. Probing questions, such as 'who,' 'what' and 'where', may be necessary to obtain more detail once a response has been given to an open-ended question. They help in obtaining additional relevant information and identifying specific gaps and inconsistencies that require further exploration. Interviewees may also reveal something that they have not previously disclosed.

119. The strategic use of information can help guide the interview to ensure the information being elicited is relevant to the purpose of the interview.

120. Accurate summaries of what the interviewee has said may facilitate the positive progression of the interview and assist the interviewer and interviewee in recalling important details. However, poorly worded summaries may contaminate the interviewee's account and introduce bias or inaccuracies. Interviewees may also interpret inaccurate summarising as an indication that the interviewer was not listening or is trying to manipulate their account.

Encountering Reluctance

121. Interviewers may encounter interviewees who are reluctant to talk and therefore should anticipate how they will handle such situations. Not wanting or agreeing to answer questions may be a deliberate choice. For example, suspects in criminal cases have the right to remain silent and some will exercise this right. This decision must always be respected and has no bearing on the interviewee's right to the presumption of innocence.

122. Reasons why an interviewee might be reluctant to talk can include general anxiety or uncertainty about the process, especially if the person has never been involved in such a situation before. Fear can also play a part; for example, a fear of police and other state officials, or fear of adverse repercussions to themselves or others if it becomes known that they have talked to the authorities. Interviewees may also be psychologically affected by what they have seen, heard or been through. Reluctance to talk may also be due to the interviewee's personal reactions to the interviewer or interpreter.

123. It is also possible that an interviewee may be willing to provide information but is unable to do so. This can be because they did not have the relevant information to begin with, or they failed to register the details. It may be that the passage of time or things that interviewees have experienced have led them to forget the original details or made them unable to retrieve them from their memory.

124. Interviewers will increase the likelihood of conducting an effective interview by expressing a respectful awareness of why someone may be reluctant to talk, clarifying that any information provided will be kept confidential within the limits allowed by law, and respecting any continuing refusal to talk. Interviewers should not draw negative inferences from the interviewee's failure or refusal to answer questions and should remain non-judgemental when an interviewee may make admissions to crimes or convey embarrassing information.

Suspending the interview

125. It is appropriate and permissible for interviewers to suspend the interview in order to follow-up on information received or conduct additional enquiries. Similarly, the lawyer or the interviewee may request a break, for instance in order to rest or to consult in private. A refusal to accept such a request may affect the reliability of information gathered from the interview.

126. If the interviewee requires medical attention, the interviewer must immediately suspend the interview and ensure prompt care is provided.

127. It is essential to ensure that persons are not questioned as witnesses in order to evade legal requirements attached to the questioning of suspects.[81] If a person originally interviewed as a witness becomes a suspect in the course of an interview, the interviewer should immediately halt the session to give a clear warning to the interviewee that their status has changed to that of a suspect. The interviewer should inform the interviewee of their rights as a suspect and provide the necessary time and resources for the interviewee to realise those rights.

[81] A/71/298 (footnote 3).

Concluding the Interview – Assessment and Analysis

128. An effective interviewer should always end the interview respectfully and on a professional note. This increases the likelihood of keeping channels open for future communication, avoids possible misunderstandings and can improve trust in public institutions.

129. The interviewer should review the information obtained with the interviewee (and the lawyer, if involved), and, where a written record (as opposed to an audio/video recording) has been made, invite them to sign as a confirmation of the record's accuracy. Any amendments should be recorded, and if relevant, any refusal of the interviewee to sign the interview record.[82] A copy of any written record should be provided to the interviewee and their lawyer (if involved).[83] The interviewer should then give the interviewee appropriate information about the next stages of the process.

130. Once the interview has been completed, the interviewer ensures that the information provided during the process is subject to the appropriate level of privacy and of data protection. This may include ensuring that such information is not communicated to the public or to institutions in a way that may jeopardise the rights of the interviewee.

131. Assessment and analysis is an integral part of a successful interview process. The time spent on this may vary according to the seriousness of the matter, however it should never be rushed. The interviewer should assess and analyse:
    a. The value and reliability of the information obtained and how it fits with known evidence, information gaps and other intelligence gathered.
    b. What further enquiries are necessary in order to advance the investigation or operation.
    c. Whether all relevant safeguards were applied effectively.

[82] *See, e.g.*, Rule 9(e)(v) of the Luanda Guidelines; CPT, 2nd General Report, CPT/Inf(92)3, para. 39.
[83] Principle 23(2) of the Body of Principles.

Principle 3 – On Vulnerabilities

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

The Interview as a Situation of Vulnerability

132. Virtually all persons being interviewed find themselves in a situation of vulnerability due to the inherently unequal balance of power characterising such interactions with authorities. The imbalance of power is particularly acute when an interviewee is detained and thus wholly dependent on the authorities for the exercise and enjoyment of their human rights.

133. Interviewers need to be aware of the possible effects of the power imbalance and take steps to mitigate them, thus ensuring the protection of all interviewees under the law while also maximising the value of the information gathered. The power imbalance may lead to an interviewee feeling anything from mild anxiety to extreme fear. Such reactions can affect a person's physical, cognitive and emotional responses to being questioned. They may hinder the interviewee's understanding of the questions posed and the possible implications of their answers. They may also affect the interviewee's ability to make informed decisions in their own best interest or to provide detailed and accurate information. At its worst, the state of heightened stress felt by some interviewees can impair memory retrieval and produce false information.

134. Following the guidance in these Principles can help to reassure interviewees and will contribute to creating a non-coercive environment. Doing so will play a particularly important part in preventing the misuse of power by interviewers, which undermines the integrity of the interview process, as well as in curtailing the high-risk practice of 'informal interviews' which carry significant risks of ill-treatment.

Persons in Situations of Heightened Vulnerability

135. Some interviewees will experience a situation of heightened vulnerability when the interview intersects with certain other specific risk factors. In such circumstances, the interviewee will have additional needs and rights requiring attention from authorities.[84] Such risk factors can include, for instance:
    a. Age, sex, gender, gender identity or expression, or sexual orientation
    b. Nationality or ethnicity
    c. Cultural or religious background
    d. Physical, intellectual, or psychological disability
    e. Difficulties with communication
    f. Difficulties in understanding (including language barriers)

[84] Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), A/RES/34/180 of 18 December 1979; International Convention on the Elimination of All Forms of Racial Discrimination (CERD), General Assembly resolution 2106 (XX) of 21 December 1965; Convention on the Rights of Persons with Disabilities (CPRD), A/RES/61/106, 24 January 2007; International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, A/RES/45/158, 18 December 1990; see also United Nations Declaration on the Rights of Indigenous Peoples, A/RES/61/295, 2 October 2007; the Bangkok Rules, United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), A/RES/40/33, 29 November 1985; Havana Rules; International Commission of Jurists (ICJ), Yogyakarta Principles – Principles on the application of international human rights law in relation to sexual orientation and gender identity, March 2007.

g. Inability to read and/or write
h. Age-related conditions such as dementia
i. Belonging to a minority group or a marginalised socio-economic group.

136. Accepting that "vulnerability" is a dynamic and evolving concept, other situational features that may heighten vulnerability include:
   a. Health status such as injury, illness, depression, anxiety, intoxication, post-traumatic stress disorder, or other weakened or altered state.
   b. Prior traumatic experiences, including having been the subject of or witnessing abuses or human rights violations.
   c. Immigration status such as asylum-seeker or refugee, unrecognised migrant worker, irregular migrant or victim of human trafficking.
   d. Being pregnant or breastfeeding, or being a primary caretaker and not having been given the opportunity to make alternative caretaking arrangements.
   e. The nature of the offence under investigation such as paedophilia, political offences, or terrorist acts.[85]

137. Risks can fluctuate depending on factors such as context, culture and time. Features suggesting heightened vulnerability may be permanent in nature, or temporary. In some cases, a person's heightened vulnerability may be obvious or already documented; in other cases, it may not be known or readily apparent. Likewise, it can be the product of several intersecting factors that give rise to unique lived realities and experiences, as well as to particularly heightened vulnerability to discrimination and ill-treatment.

138. By virtue of their age, children are always in situations of heightened vulnerability during interviews, requiring special measures to ensure their adequate protection. As such, interviewers who have undergone specialist training are more suitable to interview children. Consideration should be given to how best to communicate and build rapport with the child and to where and when the interview should take place. Interviews with child victims and witnesses should use interviewers who have received specialist training.

139. When a child is a suspect, they must never be subjected to questioning or requested to make any statements or sign any documents related to the offence of which they are suspected without the presence and assistance of a lawyer and, in principle, of an adult trusted by the child acting as an intermediary.[86] Children cannot waive their right to a lawyer.[87]

140. Interviewers should be aware that certain behaviours may increase an individual's vulnerability and ensure they do not affect the interviewee's responses. These include:
   a. Suggestibility, where interviewees, particularly children and interviewees with psycho-social or intellectual disabilities, are easily swayed and are acutely vulnerable to being asked leading and misleading questions or being subjected to interrogative pressure and deceit, which may lead to false or unreliable information.
   b. Acquiescence, namely the tendency to respond in the affirmative without thinking, usually to get the interview over as soon as possible.
   c. Compliance, where an interviewee says what they think the interviewer wants to hear to get a favourable response and avoid disapproval or ill-treatment.

141. Individuals may also be in situations of heightened vulnerability because of institutional prejudice, discrimination, or a lack of awareness, training or appropriate infrastructure. These failings can affect institutional structures and policies, and/or individual judgement and actions.

[85] *See, e.g.*, A/68/295, Interim Report of the Special Rapporteur on torture, 9 August 2013, paras. 67-72.
[86] *See, e.g.*, UNICEF Europe and Central Asia Regional Office, *Guidelines on Child-Friendly Legal Aid*, October 2018; Committee of Ministers of the Council of Europe, Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, 17 November 2010, paras. 12, 88.
[87] Art. 37(d) and 40(2)(b)(ii) of the CRC; *see also* CRC/C/GC/10, paras. 49-50.

Assessing and Addressing Situations of Heightened Vulnerability

142. Authorities should implement enhanced protections and special measures designed to address the specific needs and rights of persons in situations of heightened vulnerability, in particular as it relates to non-discrimination and protection against compelled self-incrimination. This may require a differentiated application of legal and procedural safeguards.

143. Before carrying out an interview, authorities should assess whether the interviewee may be in a situation of vulnerability, and whether they require special attention. The kind of action taken will require a flexible, tailored response. Interviewers and other relevant authorities should consider and determine, on a case-by-case basis, whether they should summon another interviewer such as someone of a different gender or with specialised training, or consult with particular experts. Some steps should be set out in law, others rely on the interviewer's judgement.

144. When assessing and addressing an interviewee's needs, interviewers should keep questions and discussion about the events in question to a minimum. This helps avoid the risk of altering or contaminating the interviewee's memory before formal questioning.

145. Vulnerability does not necessarily preclude an interviewee from providing reliable information; this can often be accomplished with support. For example, interviewees experiencing hearing or speech difficulties may require a skilled interpreter or support person. Consulting with people who know the interviewee well, such as a family member or social worker, can facilitate the interviewer's interaction with the interviewee.

146. A full written record of any assessment of vulnerabilities, together with the steps the interviewer took to support the interviewee, constitutes an important safeguard. Such recording helps identify the steps required to enable effective communication, engagement with the information-gathering process and the interviewee's safety. In the case of suspects, interviewers should inform the interviewee's legal representative of any vulnerability identified and the steps they have taken to accommodate the interviewee's needs.

147. Interviewers responsible for questioning interviewees in situations of heightened vulnerability should, if possible, have received specialist training or be assisted by an appropriate expert. In the case of children, the interview process must be subject to specialist procedures and undertaken by specially-trained interviewers.

148. The interviewer should take reasonable steps to ensure that the location and environment in which the interview takes place do not themselves create distress for an interviewee in a situation of heightened vulnerability.

Principle 4 – On Training

Effective interviewing is a professional undertaking that requires specific training.

149. All personnel who conduct interviews, including police and other law enforcement officers, as well as intelligence and military personnel, should receive specific training in effective interviewing – in line with the principles outlined in this document. This will equip them to understand, prepare for and undertake interviews in accordance with international and national law, institutional rules, and the highest professional standards.

150. Techniques of effective interviewing should be taught throughout agencies to promote an institutional change towards policies and methods based on an open-minded approach intended to gather accurate and reliable information from all categories of interviewee.

151. Setting high professional standards should be supported by competitive and rigorous recruitment of officers based on selection criteria and a process that builds a diversity of skilled personnel for interviewing.

Specific Training

152. Specific training will ensure a high degree of consistency in how interviewers prepare for and structure an interview. Training should also teach practical methodology drawing on the relevant research that shows that certain interviewing techniques facilitate the retrieval of accurate and reliable accounts and minimise the risks of obtaining false information.

153. The content of training in effective interviewing should include establishing the importance of the interview as a crucial part of the wider investigative or information-gathering process, and ultimately of the process of justice, regardless of the jurisdiction. Emphasising the effectiveness of interviewing and relevant safeguards is key for ensuring compliance with the State's positive obligations towards an individual's enjoyment of human rights, and for preventing torture or ill treatment.[88]

154. Key elements of effective interview training include how to:
    a. Keep an open mind and avoid prejudice
    b. Strategically plan and prepare
    c. Build and maintain rapport
    d. Identify and respond to the specific needs of interviewees
    e. Comply with international human rights law
    f. Ensure safeguards are applied throughout the interview process
    g. Employ scientifically supported questioning techniques
    h. Use active listening skills and allow interviewees to respond fully to questions
    i. Interact with a reluctant interviewee
    j. Interact with an interviewee's lawyer
    k. Initiate and end the interview professionally
    l. Conduct an analysis of the information gathered
    m. Assess the interview process with a view to improving skills.

[88] Art. 10 of the UNCAT.

155. Interview training should be of sufficient length to instil the necessary theoretical foundations and practical knowledge, and to include multiple practice sessions using realistic operational scenarios, with feedback from supervisors and peers.

156. The participation of former interviewees and other professionals (such as medical personnel, interpreters, and support persons) in scenario-based sessions can enrich the training experience.

157. Additional training should be given to interviewers, intermediaries and interpreters who are involved in interviewing persons in situations of heightened vulnerability, such as children and persons with psychosocial disabilities. Such training should provide guidance on monitoring the interviewee's psychological well-being, and if necessary, stop the interview and seek assistance from appropriately trained professionals. [89]

158. Personnel who manage and supervise interviewers should also receive training, so they not only improve their own interviewing skills but also learn how to assess the overall quality of an interview, in order to provide appropriate feedback and support to interviewers.

159. Other relevant persons such as judges, prosecutors, custody officers, and defence lawyers should also be briefed on effective interviewing. This helps develop a common understanding of their respective roles and challenges, and facilitates external monitoring or assessment if complaints arise.

160. The use of technology in training can help improve the quality of future interviews and generate valuable data for further research. This includes using audio-visual equipment to record training sessions and using electronically recorded interviews as examples for scenario-based sessions.

161. Cooperation on training should be encouraged between law enforcement agencies, military and intelligence personnel, oversight bodies, academia and international partners. Academic and independent researchers should be encouraged to make their relevant studies public and accessible.

162. Training programmes should be regularly updated to reflect the evolution of international human rights standards and scientific research. Regularly bringing evolving research and techniques validated in practice can also strengthen training programs. [90]

Continuous Professional Development

163. Interviewing knowledge and skills need to be maintained across time. Incorporating effective interviewing into continuous professional development programmes will help ensure institutional commitment to ethical and effective interviews.

164. Critical elements for continuous professional development include commitment from leadership, regular training reinforcement and refresher training to refine techniques, correct errors and present interviewers with the latest relevant research.

165. Continuous professional development programmes should enable agencies, and in particular supervisors, to better monitor and measure interviewing performance, identify further training needs, improve the use of evolving technology and update research knowledge.

[89] Art. 13 of the CRPD; Rule 12 of the Beijing Rules; *see also* Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, ECOSOC Resolution 2005/20, 22 July 2005.
[90] Art. 11 of the UNCAT.

Principle 5 – On Accountability

Effective interviewing requires transparent and accountable institutions.

Institutional Procedures and Review

166. Standard operating procedures, codes of conduct or other institutional directives of the authorities contribute to effective interviewing practices and drive change in institutional culture.

167. In accordance with Article 11 of the UN Convention against Torture, authorities are required to keep a systematic, thorough and broad review of existing rules, instructions, methods and practices related to interviewing.[91] Based on this assessment, investigative authorities should adopt and make known standard operating procedures, policies and codes of conduct to set enforceable standards for agents performing interviews. Such norms must be consistent with internationally recognised standards of conduct for law enforcement personnel and other officials responsible for interviews.

168. Regular reviews conducted by the authorities should also assess the level of financial resources invested in interviewing, including the appropriate use of technology. Regular review can help ensure that nationally agreed standards are applied and adhered to, supported by a cycle of improvement.

169. Reviews can usefully draw on the knowledge and assistance of independent researchers, skilled practitioners and organisations with experience of and commitment to effective interviewing.

170. Transparency and accountability should apply at every rank of authority, including at individual, supervisory and organisational levels.

171. Transparency is crucial to maintaining public confidence in an institution's integrity and in the overall administration of justice. Authorities should make available their internal rules and procedures related to interviewing.

172. Right of access to information must be guaranteed to interviewees, their families, lawyers and other legal service providers as well as to oversight mechanisms.[92]

173. All personal information gathered from an interview must be safeguarded from inappropriate use with due regard to the principles of confidentiality and privacy, as well as to data protection legislation and regulations.[93]

Effective Record Keeping

174. The effective recording of information is a prerequisite to transparency and accountability. Good record keeping can also support early identification of risk, performance planning, resource allocation, audit processes and research.

[91] Art. 11 of the UNCAT; *see also* A/HRC/RES/31/31, paras. 11-12; A/HRC/RES/46/15, para. 10.
[92] Art. 18 of the Convention on Enforced Disappearance; Art. 20 of the Optional Protocol to the Convention against Torture (OPCAT), A/RES/57/199, 18 December 2002.
[93] Art. 20 of the Convention on Enforced Disappearance; Art. 21 of the OPCAT.

175. Whenever someone is detained, an individual custody record, preferably in an electronic form, must be opened as soon as practicable.[94]

176. An accurate record must be made of all interviews, preferably with the use of audio-visual technology. Although implementing audio-visual recording may have to occur progressively, there are tangible benefits and savings associated with having reliable records.

177. Audio-visual recordings will facilitate the investigation of any allegations of ill-treatment during an interview. This is in the interest both of persons who claim to have been ill-treated and of interviewers confronted with ill-treatment allegations.

Prevention and Reporting

178. Respect for and commitment to effective interviewing and associated safeguards should be reflected within internal rules, codes of conduct and performance assessments of relevant authorities.

179. All agencies conducting interviews should have self-regulating internal complaints and investigation units with clear internal chains of command, impartial reporting, protection from reprisals, and specific procedures to correct, discipline or refer for criminal investigation any abuse or violation committed.[95]

180. Non-compliance with internal rules on interviewing should trigger an appropriate institutional response – ranging from retraining to disciplinary action. Serious breaches of legal obligations such as the absolute prohibition of torture and ill-treatment must lead to criminal procedures and sanctions.[96] Any breach of discipline or good conduct should be dealt with impartially and proportionately in accordance with international law and standards on procedural fairness.

181. State officials must never ignore unlawful behaviour – irrespective of the person's rank, grade or role – wherever it occurs, and in whatever context.

182. Supervisors must assess, take positive action, report or otherwise escalate appropriately any report of unprofessional behaviour or wrongdoing by someone for whom they are responsible.[97]

183. A duty to report torture and ill-treatment should be required and protected. If an official feels they cannot question or challenge a colleague directly, they should report their concerns through a line manager, an agency reporting mechanism or other appropriate channels including oversight mechanisms. This duty to report should also apply if they have the impression that their concern has not been met with the appropriate response.

184. Anyone reporting a violation, such as a 'whistle-blower', should be provided adequate protection from any form of reprisals or negative treatment.

185. Other criminal justice professionals such as lawyers, prosecutors and judges who see, hear of, or suspect interview-related wrongdoing, also have a duty to bring it to the agency's attention through appropriate channels or report it to other relevant authorities.

186. Criminal justice professionals play an important role in preventing torture and other ill-treatment and improving interviewing practices. This includes, in particular, the duty to exclude from

[94] Art. 17(3) of the Convention on Enforced Disappearance; principle 12 of the Body of Principles; *see also* Rule 9(c) of the Luanda Guidelines; ECtHR, *Doyle v. Ireland,* para. 99.
[95] *See, e.g.*, Principle 33, Body of Principles; Rule 37 of the Luanda Guidelines; CPT/Inf(2018)4, 27th General Report of the CPT, December 2017, pp. 25-31; CPT/Inf(2019)9, 28th General Report of the CPT, April 2019.
[96] Arts. 6-8 of the UNCAT.
[97] *See, e.g.*, CPT/Inf(2018)4, 27th General Report of the CPT, December 2017, para. 70.

judicial proceedings any evidence obtained by the use of torture, other ill-treatment, procedural wrongdoing or any form of coercive methods.

187. The over-reliance on confessions in judicial proceedings provides an improper incentive for interviewers to see confessions as the sole objective of an interview, and should therefore be avoided.

External Oversight and Independent Monitoring

188. External oversight bodies – such as National Human Rights Institutions, Ombudsperson Offices, judicial bodies, or specialist oversight organisations – should have access to any facility in which a detained person is interviewed and information on the persons detained within.

189. External monitoring bodies should be able to have confidential contacts with any persons in detention. Persons complaining about ill-treatment or infringements committed by State agents must have the right to communicate freely and in full confidentiality with independent monitoring bodies, without fear of reprisals, subject to reasonable conditions to ensure security and good order.

190. In accordance with the Paris Principles on National Human Rights Institutions,[98] external monitoring bodies should be independent and adequately resourced to undertake thorough, prompt, impartial and fair analysis of the functioning of places where people are interviewed and to ensure the respect for the rights and dignity of the persons.

191. State Parties to the Optional Protocol to the UN Convention against Torture must empower National Preventive Mechanisms to conduct unannounced visits to places of detention. They should have access to information and files as well as the power to conduct interviews in private with persons deprived of liberty as well as with the staff.[99]

192. States should establish systems and processes to allow external monitoring bodies to provide recommendations of any reforms necessary to improve interviewing effectiveness and legal safeguards. Authorities should commit themselves to a dialogue with the external bodies on their findings and recommendations.

193. Civil society organisations can also play a key role in independent oversight and monitoring. Authorities should welcome their participation and give due consideration to any reports they produce as a result of monitoring places where persons are deprived of their liberty and interviews are carried out; this includes interviews with witnesses and victims.

Complaints and Investigations

194. All interviewees have the right to complain of any mistreatment, including denial of rights or safeguards. Such complaints must be promptly, thoroughly and impartially examined through competent assigned channels.[100]

195. Access to complaints mechanisms must be easy, direct, free of charge, and confidential. Appropriate measures should be taken to ensure that complaints mechanisms are accessible to

[98] Principles relating to the Status of National Human Rights Institutions (The Paris Principles), A/RES/48/134, 20 December 1993.
[99] Arts. 19-20 of the OPCAT.
[100] Arts. 12-13 of the UNCAT.

all, in particular to persons in situations of heightened vulnerability. Complainants should receive clear guidance on complaint processes, appeals mechanisms and outcomes.[101]

196. All complaints should be recorded, regardless of when they occur. Such complaints should be part of the official record. Whenever a complaint is made by or on behalf of an interviewee in the course of an interview, recording may entail a temporary suspension of the interview.

197. Where the interviewer has reasonable grounds to believe that the interviewee has been mistreated or had their rights denied prior to the interview, they should inform the appropriate officer or authority, who is then responsible for dealing with such allegations.

198. Whenever there are grounds to believe that an act of torture has been committed, even in the absence of a complaint, there must be a thorough, prompt, and impartial investigation, in compliance with Article 12 of the UN Convention against Torture.[102]

199. For serious allegations including torture, complaints should be investigated by an independent entity. States should establish external mechanisms for investigations and complaints that are operationally and financially independent from both the law enforcement and prosecution services or any other agencies responsible for persons deprived of their liberty. To be effective and independent, such mechanisms should have adequate investigatory powers, political support, human and financial resources, and competence to issue recommendations and manage follow-up.

200. All complainants should be protected from any adverse repercussions and reprisals as a consequence of having made a complaint.[103]

Redress and Reparations

201. Redress for victims of torture or other ill-treatment is a human right which promotes accountability and the restoration of dignity. Redress signals strong opposition to the violation of existing obligations and must include a combination of restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. Remedies should be proportionate to the harm caused.[104]

202. Access to remedies for torture or other ill-treatment must not be conditioned on the identification, investigation or prosecution of a perpetrator; it is only necessary to establish that such an act has been committed.[105]

203. Excluding evidence obtained under torture or other ill-treatment is an interviewee's right and is an effective remedy against wrongdoing by interviewers. [106]

[101] *See, e.g.*, Rule 37 of the Luanda Guidelines; CPT/Inf(2018)4, 27th General Report of the CPT, December 2017, pp. 25-31.
[102] Art. 12 of the UNCAT.
[103] Art. 13 of the UNCAT.
[104] Art. 14 of the UNCAT; *see* A/RES/60/147, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, 16 December 2005.
[105] Art. 14 of the UNCAT; CAT/C/GC/3, Committee Against Torture, General Comment No. 3 (2012), Implementation of article 14 by States parties, 13 December 2012, para. 3.
[106] A/HRC/30/37, United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court, Report of the Working Group on Arbitrary Detention, 6 July 2015.

Principle 6 – On Implementation

The implementation of effective interviewing requires robust national measures.

204. To implement these Principles, States should adopt and develop appropriate legal, policy, regulatory and institutional frameworks and ensure judicial oversight of interviewing authorities. This will require sustained and coordinated efforts by relevant actors at the domestic level.

205. By enacting robust national measures, authorities demonstrate a determination and long-term commitment to:
    a. Eradicating mistreatment throughout the interview process and ensuring compliance with international human rights standards
    b. Providing suitable and sufficient interview training for all relevant authorities
    c. Facilitating cooperation between experts, practitioners, and policy-makers in designing appropriate and effective interviewing strategies and practice
    d. Promoting oversight and accountability in relation to interviewing, tackling institutional corruption and cultures of impunity
    e. Improving the functioning of the criminal justice system and the administration of justice.

206. This commitment is not only to improving policy and practice to prevent any form of torture and other ill-treatment and uphold the rule of law, but also to instituting the most effective methods for improving public safety in light of international standards.

Domestic Legal Frameworks

207. States should systematically review their legal frameworks, as well as enact and publish laws, decrees and policy documents that regulate the treatment of persons being questioned, including how the interviewing process is carried out. Such legislation and procedure must be in full conformity with existing legal obligations under international law, in particular the absolute prohibition of torture and other forms of ill-treatment.[107]

208. Safeguards that are associated with effective interviewing should also be enshrined in law and regulations, as well as include at a minimum immediate notification of families, access to medical examination and access to a lawyer. In this regard, the State must strengthen access to legal aid and state-supported defence before and during interviews.[108]

209. The adequate criminalisation of torture and other ill-treatment is key to facilitating the conduct of effective interviews. No exceptional circumstances can be invoked as a justification for torture or other ill-treatment.[109]

210. The legal framework should ensure that any confession or other statement extracted under torture or other form of coercion has no evidentiary value, except against suspected perpetrators of such abuse and for the fact that a statement was made. National laws must ensure that those responsible for coercion and abuse are held accountable.[110]

[107] Art. 11 of the UNCAT; A/HRC/RES/31/31, para. 11; A/HRC/RES/46/15, para. 10.
[108] A/HRC/RES/31/31, paras. 4-9; A/HRC/RES/46/15, para. 5.
[109] Arts. 4-6 of the UNCAT.
[110] Art. 15 of the UNCAT; A/HRC/RES/31/31, para. 13; A/HRC/RES/46/15, para. 22; A/HRC/25/60, para. 68; A/71/298/, para. 100 (footnote 3).

Institutional Culture and Capacity

211. Institutional leaders should act as advocates for effective interviewing by communicating a clear and lasting commitment to positive change. Changing the institutional culture in relation to interviewing requires sound governance and careful planning.

212. Institutions should ensure that all changes in the national legal and policy framework related to interviewing are integrated into institutional rules and procedures and widely communicated amongst their personnel. Personnel directly involved in interviewing should be given guidance on the practical implications of any new legal and policy requirements.

213. Meaningful and durable change in interview practice requires States to invest adequate human and financial resources in the short, medium and long term. This will ensure capacity and capability strengthening, notably through specific training and access to recording equipment.

214. Measures must be taken to ensure that criminal justice and other investigative authorities operate in accordance with domestic and international obligations, and that their functioning is transparent and accountable to judicial and public scrutiny.

215. The institutional capacity of law enforcement and other information-gathering authorities can be strengthened with ongoing constructive relations with other agencies, researchers and the academic community. Such collaboration, which may extend beyond national borders, can provide useful analysis and information to contribute to the improvement of interviewing practices.

Judicial Authorities

216. The independence of the judiciary and the prosecution should be guaranteed and protected to enable them to play an active role in the implementation of effective interviewing.[111] This is also the case for the professional and scientific independence of forensic and other associated services.

217. In implementing fundamental guarantees, such as the right to a fair trial, judicial authorities must ensure that the rights of interviewees are respected at all times. This requires them to review both the way the interview was conducted as well as the suspect's enjoyment of legal and procedural safeguards, including access to a lawyer and medical professional.

218. Judicial authorities should remove incentives on investigative authorities to obtain a confession by any means and promote the use of ethical and scientifically proven methods instead.

219. Judicial authorities must ensure that only lawfully obtained evidence is admissible in any proceedings and be vigilant to any signs that a statement may have been made under coercion or ill treatment. Statements made under torture or other ill-treatment or coercion must be excluded from any legal proceedings, in accordance with the exclusionary rule.[112]

220. Suspects and defendants should be physically brought before judicial authorities to clarify the legality of their detention, which they must be allowed to challenge. Whenever there are grounds to believe that a person brought before them could have been the victim of ill-treatment, prosecutorial and judicial authorities must investigate ex officio.[113] They should request a forensic medical examination, even in the absence of an express allegation or complaint.

[111] *See, e.g.*, A/HRC/13/L.19, Resolution of the Human Rights Council, 23 March 2010. See also Art. 14 of the International Covenant on Civil and Political Rights.
[112] Article 15 of the UNCAT; *see also* A/HRC/25/60, paras. 66, 82.
[113] Article 12 of the UNCAT; *see also* CPT/Inf(2002)15-part, Developments concerning CPT standards in respect of police custody, 2002, para. 45.

221. Finally, judicial authorities must take all necessary steps to ensure that those responsible for torture or ill-treatment are brought to justice and subjected to appropriate sanctions.[114]

Dissemination

222. States should disseminate the Principles to all relevant executive, legislative and judicial authorities, in particular law enforcement and other information-gathering authorities.

223. Dissemination in cooperation with oversight bodies, civil society organisations, and the general public will build civic trust in investigative authorities.

224. States should collect information on measures taken by relevant authorities in implementing the Principles on Effective Interviewing for Investigations and Information Gathering, and report developments to relevant international and regional bodies.

[114] *See, e.g.*, UN Guidelines on the Role of Prosecutors, Rule 16, 8th UN Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 1990, Rule 16, and Standards of professional responsibility and statement of the essential duties and rights of prosecutors adopted by the International Association of Prosecutors on the twenty third day of April 1999, Rule 4.3 (f).