

Upholding the added value of the Méndez Principles

As Co-Chairs of the Steering Committee of Experts for the "[Principles on Effective Interviewing for Investigations and Information Gathering](#)", commonly referred to as the "Méndez Principles" - we present this statement in order to take stock of the Principles, four years after their launch and to encourage others to do likewise.

The Méndez Principles were developed as a comprehensive response to the UN Special Rapporteur on Torture's observation of the heightened risks of torture and ill-treatment during interrogation, as highlighted in his 2016 report to the UN General Assembly. After a four-year collective interdisciplinary effort of cross-regional experts in investigative techniques and due process safeguards, the Méndez Principles were drafted and approved, by the experts in May 2021.

The Principles have received extensive positive endorsements from UN General Assembly resolutions, UN and regional human rights bodies, national courts and tribunals, bar associations, law enforcement and police associations, National Human Rights Institutions, National Preventive Mechanisms and non-governmental organizations (see [here](#)). The Principles are now available in 17 languages at interviewingprinciples.com.

The Méndez Principles are anchored in scientific research on information gathering, international law, as well as ethical interview practice, all of which is extensively cited in the text. They were motivated by international research that found the respect of key safeguards is the most effective way to protect the human rights of the interviewee, to prevent torture and ill-treatment, and guarantee the integrity of the entire interview process.

The Principles propose a feasible and smart alternative to the illegal, inaccurate and abusive techniques of coercive interrogation. With its novel human rights based approach, "effective interviewing", as presented in the Mendez Principles, proposes a paradigm shift in the culture of information gathering.

We would like to acknowledge and thank the collective efforts of many individuals and organizations around the world who have worked tirelessly to promote the Principles. We also note the growing number of projects and initiatives – both research-driven and capacity-building oriented – that are inspired by the Principles. This is a testament to their relevance and to the shared commitment of many stakeholders to ethical and effective interviewing. While we welcome

all these efforts, we believe it is important to uphold the integrity and original spirit and intent of the Principles, as we move forward.

Since their launch, we have observed that many initiatives around the promotion of the Principles have focused primarily on establishing rapport-based, non-coercive methods of interviewing suspects, victims, witnesses, and other persons of interest, to obtain reliable and accurate information. Certainly the Principles are based on the proven success of a variety of such rapport-based, non-coercive techniques. Yet, we must insist that the integration of safeguards for human rights protection is an integral part of effective interviewing.

The Principles offer explicit guidance on how legal and procedural safeguards (such as access to lawyers, notification of third parties, the presumption of innocence, access to medical examinations) should be integrated into the whole interviewing process. This builds rapport, prevents torture and ill-treatment, and upholds the legality of the questioning process.

The holistic approach, embedded in the Principles, addresses vulnerabilities, institutional accountability and robust national implementation actions. Apart from advising on how to interview effectively, through rapport-based, non-coercive methods and safeguards, the Principles also provide practical guidance on changing interviewing practices at the national level, with the support of appropriate legal, policy, regulatory, oversight, training and institutional measures. For example, they encourage effective record keeping, preferably through the progressive use of audio-visual technology that will enhance the credibility of investigations and protect the rights of all parties involved in interviews. Furthermore, the Principles restate the importance of systemic review of rules, procedures and practices on questioning, as well as the inadmissibility of torture tainted evidence in any legal proceedings.

Rather than merely refining the variety and nature of interviewing methods, this comprehensive approach is designed to assist states to move questioning culture away from coercive practices towards more effective interviewing and prevention of torture and ill-treatment. Indeed the term “effective interviewing” was chosen to capture how the application of the Principles can improve the accuracy and reliability of evidence gathering at the same time as effectively protecting the rights of all persons involved in questioning procedures.

Therefore, we believe that the Principles’ explicit integration of safeguards into the process of interviewing must be more clearly articulated as a major advance in the quest for ethical and effective interviewing processes. This should be accompanied by greater encouragement to examine the full substance of the Méndez Principles and an increase of exchanges of experiences in the challenges, successes and incremental steps towards implementation.

In conclusion, we encourage everyone engaged in advocating for the Méndez Principles to embrace their full scope and purpose, in order to help drive a transformative shift in mindsets and institutional cultures on investigations and information gathering. By promoting solutions that move away from confession-driven practices and ensure that all applicable safeguards are implemented in the interviewing process, the Principles pave the way for a more effective, just and fair administration of justice.

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