



Upholding the Mendez Principles in Africa: Enhancing Safeguards through Effective Interviewing
81st Ordinary Session of the ACHPR
Concept Note
18 October 2024
12h00 WAT

1. Background to the Principles on Effective Interviewing

In his thematic report to the UN General Assembly in 2016, the then UN Special Rapporteur on Torture, Juan E. Méndez, recognised an opportunity for policy and culture shift to prevent torture and ill-treatment from happening¹. He observed during his mandate that the most frequent setting where torture and coercion takes place is during the interrogation of suspects and for the purpose of obtaining confessions or declarations against others.

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 guidelines for interviews which by nature include the application of legal and procedural safeguards by authorities.

In May 2021, the [Principles on Effective Interviewing for Investigations and Information Gathering](#) were completed. 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, supported by three international organisations: the Anti-Torture Initiative (ATI), the Norwegian Centre for Human Rights and the Association for the Prevention of Torture (APT).

Today, these Principles are also known as the “Méndez Principles”, in recognition of the original proposal to the UNGA and widely welcomed by Member States, by the former UN Special Rapporteur. The Méndez Principles contribute to advance both human rights and effective administration of justice. Further, they are directly relevant to achieving the Sustainable Development Goals, in particular SDG 16.3 - promote the rule of law at the national and international levels and ensure equal access to justice for all. They are available in 10 languages on the Principles’ website: www.interviewingprinciples.com.

2. Maintaining the momentum in Africa

[The ACHPR in 2022 on the Principles on Effective Interviewing for Investigations and Information-Gathering \(Méndez Principles\) -ACHPR/Res.545 \(LXXIII\) 2022](#) encourages State Parties to the African Charter to support the use of the six Méndez Principles as a framework for preventing torture and other ill-treatment during hearings and interviews.

¹ A/71/298, Report of the Special Rapporteur on Torture, 5 August 2016

In support of the implementation of this resolution the Committee for the Prevention of Torture in Africa has been collaborating with the Southern African Development Community SADC on how police can effectively enhance their interviewing and information-gathering techniques in a manner that will allow them to adduce evidence which is admissible in court without infringing on the rights of witnesses, victims, suspects and accused persons.

Given this robust support and recognition, the panel discussion at the at the 81st ACHPR Ordinary session will present the methodology being developed to better understand the interview needs of police partners in the Southern African region. Through open dialogue, collaborative exchange, and insightful discussions, the event will provide an opportunity to explore this methodology and its applicability to other regions on the continent.

3. Panel event

The Committee for the Prevention of Torture in Africa (CPTA) has the mandate to disseminate the Méndez Principles. In this context, it will partner with the APT and the African Policing Civilian Oversight Forum (APCOF) to host a panel discussion at the 81st Ordinary Session of the ACHPR.

Title: “Upholding Mendez Principles in Africa: Enhancing Safeguards – Understanding the implementation needs among police organisations for supporting rights based non-coercive interviewing”

Date and time

18 October 2024, 12h00 -13h00 WAT

Languages

Interpretation will be available in all AU Languages

Objective

To build regional support for the Méndez Principles to facilitate their implementation at the national level

Target audience

- Representatives of States parties to the Africa Charter.
- The event Civil society organizations working on human rights and torture prevention.
- Legal professionals and scholars specializing in human rights law.
- International organizations and development partners.
- Academics and researchers focused on human rights issues.

Draft Agenda

Timing	Interventions
5 min	Opening remarks: CPTA – Commissioner Hatem
25 min	Understanding the implementation needs for supporting rights based non coercive interviewing among police organisation. An introduction to the partnership between SADC and the ACHPR to understand and support right compliant non coercive interview in SADC Speakers

	<ul style="list-style-type: none"> • Juvebal Babona - Africa Representative Association for prevention of Torture - intro + moderation • Sean Tait Director African Policing Civilian Oversight Forum - APCOF's contributions to the promotion of rights-compliant interviewing methods, drawing from its work with police oversight bodies and its role in supporting the implementation of the Méndez Principles across Africa. • MS. Thanyani Gumede Senior Officer Police/SARPCCO Directorate of Organ on Politics, Defence and Security Affairs SADC – Added Value of the Mendez Principles: SADC and ACHPR Collaboration, Survey and methodology • Mr. Abdeladim Ait Hajjoub – promotion officer at the regional Human Rights Commission of Casablanca-Settat – Implementing Méndez Principles at the National Level: The Role of Morocco's NHRI and Lessons for Northern Africa
5 min	Closing Remarks: CPTA