VALIDATION: UN MANUAL ON INVESTIGATIVE INTERVIEWING FOR CRIMINAL INVESTIGATION

Wednesday
1 November
09:30-11:30
(New York Time)
on Zoom

Hosted by:

UN Police Division Department of Peace Operations

UN Office of the High Commissioner for Human Rights

UN Office on Drugs and Crime

Norwegian Centre for Human Rights

Title	Presenters
Welcome by Secretariat	Gisle Kvanvig, Director Multilateral cooperation, NCHR Moderator: Dmitri Alechkevitch (UNPOL/SPDS)
Opening address	Police Commissioner Faisal Shahkar, United Nations Police Adviser/Director of Police Division Delphine Schantz, Representative, New York Liaison Office, UNODC Rio Hada, Head of Rule of Law, OHCHR New York
Presentation of the manual	Dr. Ivar Fahsing, Detective Chief Superintendent, Associate professor Norwegian Police University College, and NCHR guest researcher
Comments from individual experts and DDG members	Prof. Juan E. Méndez, American University, Washington College of Law Mr. Mark Fallon, Co-Founder/Director of Project Aletheia, John Jay College Ms. Fanny Aboagye, Chief Superintendent of Police (Ghana) Ms. Santanee Ditsayabut, Public Prosecutor at Office of the Attorney General (Thailand)
Engagement/ Q&A Session	All
Plans for implementing the doctrine and manual	UNPOL/OHCHR
Closing remarks	NCHR

WEBINAR FOR THE VALIDATION OF THE UN MANUAL ON INVESTIGATIVE INTERVIEWING FOR CRIMINAL INVESTIGATION

An OHCHR- and UNPOL (DPO) - led initiative in collaboration with Norwegian Center for Human Rights (NCHR), University of Oslo and UNODC.

Date	**1. November 2023, Time: 09.30-11:30 am New York/US**
Objective	**Validate the United Nations manual on investigative interviewing for criminal investigation**
Participants	**UN agencies, Doctrinal Development Group (nominated by member States), individual experts**
Venue/format	**Zoom Webinar 120 minutes**
Host	**UNPOL/OHCHR/UNODC/secretariat – Norwegian Centre for Human Rights, University of Oslo**

Introduction

Interviews are an indispensable component of investigations and information-gathering operations. The manner in which police and other law enforcement agencies conduct interviews have a profound impact on the outcome, fairness, efficiency, and reliability of any investigation and subsequent criminal proceedings. Criminal justice systems that are contingent to obtaining confessional evidence increases the risk of torture and other ill-treatment. Growing research has found that guilt presumption and confirmation bias are often the underlying causes of miscarriage of justice, in particular the false confessions and wrongful conviction.[1] The systemic reliance on presumptions of guilt and confession-driven practices are often fueled by the absence of sound guidance and effective training. The manual provides step-by-step introduction to the effective principles and methodical approach to investigative interviewing based on the (a) growing evidence-based research, (b) the normative legal frameworks that prohibit torture or other forms of ill-treatment, and (c) the new Principles on Effective Interviewing for Investigation and Information Gathering, also known as the Mendez Principles.[2]

Background

This manual is developed jointly by DPO, OHCHR and UNODC in collaboration with Norwegian Centre for Human Rights (NCHR) with UNPOL as the lead. The manual was developed through an extensive consultation process. NCHR, University of Oslo as the secretariat convened the Doctrinal Development Group (DDG) meeting in Oslo, Norway in early 2020. The DDG composed of experts from 25 member States, scholars from NCHR, representatives of UN agencies provided inputs for the development of the manual. The Secretariat made significant contributions to this effort, particularly in convening the DDG consultation process, consolidating the inputs and preparing the early draft. Building up to this validation process, DPO and OHCHR with UNPOL as the lead further circulated the draft manual to 193 member States, UNPOL components in the field missions, and consulted with the members of the Guidance Focal Point Group and the Inter-Agency Task Force. This joint manual on investigative interviewing, therefore, embodies the system-wide coherence and the unity of efforts for effective promulgation and implementation of the Mendez principles, research-based methodologies and procedural safeguards based on the normative legal principles that prohibits torture and other forms of ill-treatment.[3]

Objectives

The joint manual on Investigative Interviewing for criminal investigation, upon signing-off, will provide a non-binding but authoritative guidance on non-coercive interviewing based on the Mendez Principles and the normative legal frameworks that prohibit torture or other forms of ill-treatments.

Scope

This manual will (a) provide UNPOL officers with an analytical framework for conducting investigative interviews and (b) guide UN entities, including UNPOL components in the capacity-building and development work streams. The manual may be used, where applicable, by the member State police and other law enforcement officials, practitioners, members of IATF, GFPG, other agencies, funds and programmes for the purpose of conducting or ensuring an ethical conduct of investigative interviews or to provide technical assistance to a member/host State. [4]

Output

This manual will be effective in operationalizing the crucial legal thresholds and improving the interviewing practices, inter alia, in conflict and post-conflict environments, where the UNPOL components normally undertake their mandated roles. The manual will be effective in advancing the essential principle of presumption of innocence, freedom from torture and other ill-treatment, and freedom from arbitrary arrest, guaranteed by international human rights law and iterated in UNPOL's Strategic Guidance Framework for International Police Peacekeeping.

Participants

Representatives of UN Agencies and the Doctrinal Development Group of experts nominated by the member States representatives, who initially provided inputs for and contributed to the drafting process, and individual experts, will convene to endorse and validate the manual.

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[1] Rassin, E., Eerland, A., & Kuijpers, I. (2010). Let us find the evidence: an analogue study of confirmation bias in criminal investigations. Journal Of Investigative Psychology & Offender Profiling, 7(3), 231-246. DOI:10.1002/jip.126.; Leo, R. A., & Drizin, S. A. (2010). The three errors: Pathways to false confession and wrongful conviction. In G. D. Lassiter & C. A. Meissner (Eds.), Police interrogations and false confessions: Current research, practice, and policy recommendations (pp. 9–30). American Psychological Association. https://doi.org/10.1037/12085-001

[2] These principles, 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, were adopted by a Steering Committee of Experts in May 2021 with the support of Anti-Torture Initiative, the Association for the Prevention of Torture, and the Norwegian Centre for Human Rights. They were subsequently welcomed by the Human Rights Council (A/HRC/RES/46/15), Committee on Torture (CAT/C/DNK/CO/6-7), and Sub-Committee on the Prevent of Torture (press release Nov 2021). The Mendez Principles are available in a wide range of languages at: https://interviewingprinciples.com/

[3] General Assembly resolution 70/286 on Cross-Cutting Issues; Report of the Secretary-General on United Nations policing, S/2016/952, 10 November 2016 and A/66/615, 15 December 2011; General Assembly, Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984; General Assembly resolution 57/199, Optional Protocol to the Convention Against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (2003).

[4] The prohibition of torture and other forms of ill-treatment has a special status in the international protection of human rights. It is included in a number of international and regional treaties and also forms part of customary international law, binding all States. Also see Article 5, Universal Declaration of Human Rights, 1948.