



Investigative Interviewing for fair and efficient administration of justice

INVESTIGATIVE INTERVIEWING

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THE NCHR INTERNATIONAL DEPARTMENT

Questioning of suspects, victims and witnesses

Mission and Objective

How the police conduct interviews has a profound impact on the outcome and fairness of the subsequent criminal proceedings. Through the introduction of **Investigative Interviewing** NCHR seeks to encourage the discontinuation of coercive interrogation techniques, with the aim of **preventing torture** and **averting wrongful convictions**.

Background and Challenges

Interviewing is a core task in law enforcement. The investigative bodies are bound to respect and protect the inherent dignity and physical and mental integrity of all persons – including victims, witnesses and suspects. Within the human rights framework, the police's performance is key to upholding human rights. During criminal investigations, arrests and interrogations, the risk of committing human rights violations is particularly high.

Victims of wrongful convictions are subject to great suffering inflicted by the state, and the actual perpetrators evade 1)

prosecution and conviction. This contributes to undermine the rule of law. Mistreatment of people in custody and coercion of suspects with the aim of making them confess are still commonplace. Whereas outright torture may be the exception, police in many countries still apply interrogation methods that involve undue pressure and manipulation.

Human Rights Implications

When the police question suspects human rights are put under pressure. During such encounters, the right to freedom from torture and the right to a fair trial, including the right to be presumed innocent become particularly relevant.

Cooperation and Resources

NCHR cooperates closely with Norwegian Police in teaching, research and dissemination work. The need to facilitate colleague-to-colleague encounters in order to amplify the effects and appropriateness of human rights trainings is a credo in much of NCHR's work.

The Norwegian Centre for Human Rights (NCHR) is a part of the University of Oslo, Faculty of Law. The NCHR's **International Department** (ID) has an extended network of cooperating partners around the world including academic institutions, UN organs and civil society organisations. Our activities are supported by the Norwegian MFA.

We promote human rights through international competence building, knowledge enhancement and dialogue in the countries we cooperate with. We aim at integrating a gender sensitive approach across our six thematic areas of commitment:

- Human Rights Education
- Rule of Law
- Freedom of Religion or Belief
- Business and Human Rights
- Equality and Non-discrimination
- Human Rights Mechanisms

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Investigative Interviewing

Investigative interviewing is a credible alternative to the application of torture. The goal of an investigative interview is to obtain accurate, reliable and actionable information.

The PEACE model for police interviewing was developed in the United Kingdom in response to a number of documented forced confessions and associated wrongful convictions in the 1980's and 90's.

The model was developed further in Norway with the inclusion of a module on how and when evidence should be disclosed during interviews with suspects. The acronym used for the training programme for the Norwegian police is KREATIV, and is composed of phrases reflecting the values and principles the method is based upon.

Wrongful convictions

The issue of wrongful convictions has caught the attention of popular media - even half a century ago.

In movies like Sidney Lumet's *12 Angry Men* (1957) and Alfred Hitchcock's *The Wrong Man* (1965) the question of doubts about a suspect's guilt is brought into the limelight.



Through TV-series such as *Making a Murderer*, and the Swedish documentary *Fallet Kevin* (The Kevin Case) the public has become aware of the problem of wrongful convictions and other injustices following manipulative interrogation techniques.



Photo: Screenshot/NRK/SVT

Wrongful convictions appears to be more prevalent than previously imagined. As of October 2023, *The Innocence Project* [www.innocenceproject.org] has in the US alone expedited to 196 exonerations of wrongly convicted persons. They found that the most common causes of wrongful conviction were eyewitness misidentification (63% of the cases). A bit further down on the list we find false confession (28%).

Key Ongoing Projects

Our current projects aim at building competence on investigative interviewing among law enforcement personnel. We engage with leading researchers in the area of criminal investigations, evidence evaluation, and forensic interviewing. Our approach is to introduce the concept in our partner countries, and provide a group of dedicated fact-finders, primarily police detectives, with training and access to relevant literature and international research networks. We also work globally, and in multilateral fora to promote the Principles on Effective Interviewing for Investigations and Information Gathering.

Principles on Effective Interviewing for Investigations and Information Gathering

NCHR works with NGOs and UN agencies to prevent torture by implementing investigative interviewing practices. NCHR has been part of a Coordination Group leading this work along with the Association for the Prevention of Torture and the Anti-Torture Initiative at the Washington College of Law. The move to develop the Principles on Effective Interviewing for Investigations and Information Gathering was initiated by the former UN Special Rapporteur on Torture, Juan E. Méndez. The Méndez-principles have been welcomed and referred to by different UN agencies, regional human rights agencies, international NGOs, and lawyers associations.

UN police cooperation

The Strategic Guidance Framework for International Police Peacekeeping (SGF) was developed by the UN Department of Peace Operations' Police Division as a response to calls for a more consistently integrated approach to planning, recruiting and implementing peace operations. As part of this, and based on a request from UNPOL and the Office of the High Commissioner for Human Rights (OHCHR), NCHR has developed a manual on police investigations and questioning of victims, witnesses and suspects. The manual should provide advice for UN police peacekeepers on investigative interviewing, and support training of host-State police and other law enforcement counterparts.

Building Competence on Investigative Interviewing bilaterally

Cooperation between the NCHR and the Ministry of Public Security, and the People's Police Academy in Vietnam, commenced in 2011. During its first phase of the project identified candidates who could serve as instructors for police training programs in investigative interviewing. Later, the project aimed at expanding the corps of instructors to cover the major police districts. In Indonesia, NCHR's involvement in 2013. Since 2016, investigative interviewing has been integrated into the continuing education programme for criminal investigation detectives. The methodology has been implemented across various police departments, with a core group of detectives demonstrating proficiency in its application. In Brazil, civil police academies in Rio Grande do Sul, Santa Catarina, São Paulo, Curitiba, Rio de Janeiro, Goiás, and Bahia, have adopted the investigative interviewing method. Notably, a homicide investigation unit in Salvador has assumed the role of a testing ground for the methodology. NCHR has conducted training and delivered presentations on investigative interviewing in collaboration with partners across a diverse range of countries, including Thailand, Fiji, Ukraine, Lebanon, Nigeria, China, Antigua and Barbuda, as well as in Australia, the UK, and Germany.

Developing Teaching Resources

NCHR has contributed to the CTI (Convention against Torture Initiative) training manual *Investigative Interviewing for Criminal Cases*. The manual has been translated into Spanish, Indonesian, Ukrainian, Portuguese, Chinese, Vietnamese, German, Norwegian as well as Arabic. In cooperation with UNODC, NCHR has developed a basic e-learning course in investigative interviewing, as well as a mini-module on human memory. More modules are being developed. NCHR seeks to expand its pool of instructors in collaboration with the Norwegian Police University College to meet the growing demand.