

## Resolution on the Principles on Effective Interviewing for Investigations and Information-Gathering (Méndez Principles) - ACHPR/Res.545 (LXXIII) 2022

Dec 12, 2022

### **The African Commission on Human and Peoples' Rights (the Commission), meeting in its 73rd Ordinary Session, held in Banjul, The Gambia, from 20 October to 9 November 2022:**

Recalling the prohibition of torture and cruel, inhuman or degrading treatment or punishment in Article 5 of the African Charter on Human and Peoples' Rights;

Reaffirming the Commission's commitment to continue to place policing and human rights at the heart of the implementation of its promotion and protection mandate set out in its resolution ACHPR/Res.259 (LIV) 2013 on policing and human rights adopted at its 40th Ordinary Session held in Banjul from 22 October to 5 November 2013;

Considering the Guidelines and Measures for the Prohibition and Prevention of Torture and Cruel, Inhuman or Degrading Treatment or Punishment in Africa (Robben Island Guidelines), adopted at its 32nd Ordinary Session, held in Banjul, The Gambia, from 17 to 23 October 2002, and in particular the part on the prevention of torture and the fundamental safeguards for persons deprived of liberty;

Considering also the Guidelines on Conditions of Arrest, Police Custody and Pre-trial Detention in Africa, adopted by the Commission, during its 55th Ordinary Session, held from 28 April to 12 May 2014 in Luanda, Angola and in particular Part 1 on Arrest and Part 2 on Police Custody;

Aware of the crucial role that police forces play throughout the continent in the maintenance of law and order, the administration of justice, the respect of human rights;

Convinced of the need to propose concrete measures to reduce the high risk of coercion, torture and ill-treatment for the purpose of obtaining confessions during interrogations by the police and other institutions in charge of criminal investigations;

Recognizing further that all members of the police, defense and security forces, and prison personnel should receive continuous training in best practices in their work so as to contribute to the prevention of torture;

Recalling the promotional mandate of the Committee for the Prevention of Torture in Africa and the Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa and their recommendations on the prevention of torture during arrest and police custody, fundamental safeguards and police training;

Recognizing the need to take concrete measures to implement existing provisions on the prohibition of torture and cruel, inhuman or degrading treatment or punishment and the right to a fair trial;

The Commission:

i. Welcomes the Principles on Effective Interviewing for Investigations and Information

Gathering - also known as the "Méndez Principles";

- ii. Encourages State Parties to the African Charter to support the use of the six Méndez Principles as a useful framework for preventing torture and other ill-treatment during hearings and interviews;
- iii. Entrusts the Committee for the Prevention of Torture in Africa and the Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa with the task of integrating the Méndez Principles into their promotional mandate and disseminating them widely to States Parties to the African Charter;
- iv. Invites States Parties to the African Charter, NGOs with observer status and other actors to promote and widely disseminate the Méndez Principles;
- v. Further invites regional and international organizations, civil society and other actors to provide the necessary support to States Parties to the African Charter for the implementation of the Méndez Principles;
- vi. Urges States Parties to the African Charter that have not yet done so to ratify and implement the United Nations Convention against Torture (CAT) and its Optional Protocol (OPCAT), including the establishment of National Preventive Mechanisms (NPMs).

**Done in Banjul, Republic of The Gambia, on 9 November 2022.**