

Joint NGO Statement

OSCE Human Dimension

Implementation Meeting, 2005

Our research continues to document the use of torture and other cruel, inhuman and degrading treatment and punishment in Participating States in the region of the Organisation for Security and Cooperation in Europe (OSCE). In particular, our research indicates that, in the last year, in the name of “countering terrorism” Participating States in the OSCE have continued to fail to meet their obligations to respect the absolute prohibition on torture and other ill-treatment.

Participating States have been slow to criticise each other’s worst violations of the international ban on torture and other ill-treatment and this damages their credibility, and their ability to demand an end to torture and ill-treatment, both within the OSCE, and beyond.

Our work so far this year leads us to highlight two main areas where states need to use all means at their disposal, to give effect to and ensure respect for the absolute prohibition of torture and other ill-treatment, including in the context of countering terrorism.

Firstly, states must establish full and impartial investigations into allegations of torture and ill-treatment of those detained in the “war on terror”, including those held in secret places of detention, in whichever country of the world these detention facilities are to be found, and open these places to the independent scrutiny of international independent experts.

Secondly concerted action must be taken against other practices which circumvent and undermine the absolute prohibition, including the “outsourcing” of torture, sending persons to places where they risk torture or other ill-treatment, including after having received “assurances” that no such prohibited acts will take place; and the use of statements adduced as a result of torture or other ill-treatment in proceedings.

This year certain Participating States have entered into Memoranda of Understanding with states whose human rights record, including on respect for the international ban on torture and ill-treatment raises the most serious concerns. Such assurances, from States which practice torture, in secret and contrary to international law, cannot be relied upon.

Terrorist attacks have not taken human rights law unawares. International human rights and humanitarian law have, from their inception, made provision and placed duties on states to protect those in their territories and subject to their jurisdiction from them. It was not through lack of forethought that states agreed that the prohibition on torture and other cruel, inhuman and degrading treatment is absolute, but rather in recognition that without this absolute ban, there would be little in their societies left to defend: the ban is an expression of the very values the OSCE was set up to promote.