

# AMNESTY INTERNATIONAL

## Public Statement

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### **2005 UN Commission on Human Rights, (14 March - 22 April 2005) Agenda item 11: Civil and Political Rights**

#### ORAL STATEMENT BY AMNESTY INTERNATIONAL

Delivered by Peter Splinter

#### ***CHECK AGAINST DELIVERY***

Mr Chair,

On 26 June 2004, speaking on the occasion of the International Day in Support of Victims of Torture, the UN Secretary General stated: "Sadly experience shows us that torture and other cruel, inhuman or degrading treatment remain all too common in too many countries."<sup>1</sup>

Amnesty International's own research bears this out. Torture and ill-treatment are still prevalent in all regions of the world. For 2003, we documented cases of torture and ill-treatment in 132 countries.<sup>2</sup>

Amnesty International is gravely concerned that the absolute prohibition of torture and ill-treatment is being challenged, especially in the context of the "war on terror".

Acts that would have been unacceptable only a few years ago are increasingly tolerated, if not explicitly, then implicitly through the refusal to hold persons and governments responsible for such acts accountable. This situation, which may appear limited to a small number of countries, has, by the position of the countries involved, the potential to undermine the prohibition of torture and ill-treatment and respect for human rights more widely.

Amnesty International shares the view expressed by the Special Rapporteur on torture that "the condoning of torture is *per se* a violation of the prohibition of torture"<sup>3</sup>. Our organization believes that the attempts by some governments, notably the United States of America, to legitimize some interrogation methods, conditions of detention and other treatment that amount to torture or cruel, inhuman or degrading treatment or punishment, must be met with clear and public condemnation.

While the word "torture" is associated with a stigma that has, until recently, prevented almost any country from admitting to practising it, attention to the absolute prohibition of ill-treatment has not received similar attention in public debate and government policies. International law is nonetheless clear -- it prohibits, without exception, all forms of cruel, inhuman and degrading treatment or punishment. Just like torture, such acts are, in the relevant contexts, war crimes and crimes against humanity.

Amnesty International is also gravely concerned at the willingness of the government and judiciary of some countries, such as the UK, to rely on "evidence" adduced as a result of torture. The organization considers that reliance on such "evidence" by the authorities, and its admission by the courts, also undermine the very prohibition of torture.

Further violations of international law have been perpetrated by states that have failed to ensure that no-one is expelled, extradited or returned ("refouler") to a country where the person may be in danger of being subjected to torture or ill-treatment. These violations and efforts to circumvent the absolute prohibition of refoulement through the use of "diplomatic assurances" are matters of serious concern.

Amnesty International would like to draw particular attention to the subjection of women to torture and ill-treatment in a variety of contexts. In Sudan, Amnesty International has documented hundred of cases of rape of women by the government-supported Janjawid militias. But even away from armed conflict, in their own homes, women suffer violence and rape, often from family members. Where such acts are the consequence of official consent or acquiescence, through discriminatory laws and policies or through failure to exercise due diligence in prevention, investigation, prosecution and provision for reparations, they constitute torture or other ill-treatment.

Amnesty International calls on this Commission and each Member and observer government to reaffirm unequivocally the absolute prohibition of torture and ill-treatment. We call on all governments that have not already done so to ratify the international and regional treaties that prohibit torture and ill-treatment absolutely and promote their prevention. Amnesty International stresses that ratification must be preceded and followed by effective implementation and monitoring at the national level. It must not be just an empty, symbolic gesture.

Amnesty International also calls upon each state to criminalise torture and ill-treatment in its domestic laws, ensuring that such criminalisation reflects the absolute prohibition of such acts, and never includes loopholes such as "the defence of necessity", "self-defence" or "superior orders" to let torturers escape criminal liability.

Amnesty International urges each government to familiarize itself with the *12-Point Program for the Prevention of Torture*<sup>4</sup>, elaborated by our organization in 2000 to present our key findings for measures that states should take to eradicate torture and ill-treatment. We call on each state to make a public commitment to implement the 12-Point Program.

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<sup>1</sup>UN Secretary General message on the International Day in Support of Victims of Torture, 17/06/2004 (Press Release: SG/SM/9373)

<sup>2</sup> *Amnesty International Report 2004. Statistics covering January to December 2003* (AI Index: POL 10/015/2004) lists 132 countries where the organization documented cases of torture and ill-treatment during the course of 2003.

<sup>3</sup>*Report of the Special Rapporteur on torture*, UN doc A/59/324.

<sup>4</sup>AI Index: ACT 40/014/2001.