



## United States Mission to the OSCE

### Statement on Torture

As delivered by Ambassador Larry Napper, Head of Delegation  
to the Human Dimension Implementation Meeting, Warsaw  
October 7, 2004

Mr. Moderator, the United States does not compromise its commitment to human rights in accordance with the law, even now, when we are engaged in a war against a ruthless and unprincipled foe in the War on Terrorism. The United States complies with all of its legal obligations in its treatment of detainees, and in particular with legal obligations prohibiting torture. The United States does not permit, tolerate or condone torture by its employees under any circumstances. It is our position that no circumstances whatsoever, including war, the threat of war, internal political instability public emergency, or an order from a superior officer or public authority, may be invoked as a justification or defense to commit torture. We cannot stress our position clearly enough: torture is not acceptable under any circumstances.

For that reason, we supported fully the important work conducted at last year's Supplementary Human Dimension Meeting devoted to the Prevention of Torture. Together, we focused on developing the procedural framework and the means to prevent, as well as hold accountable, those who would commit acts of torture. The United States is committed to this framework and we believe the meeting provided valuable recommendations to Participating States and the OSCE institutions.

The first general recommendation was that "officials at the highest levels of government should issue and widely publicize a clear, unequivocal condemnation of torture and other cruel, inhuman or degrading treatment or punishment." Mr. Chairman, I am pleased to note that our President did so. We will circulate a full copy of President Bush's statement from June 26, issued in commemoration of the United Nations International Day in Support of Victims of Torture.

Mr. Moderator, over the past year, the United States Government addressed abuses of detainees in Iraq. These abuses were contrary to U.S. law and policy. We have taken steps to investigate and hold accountable those responsible for committing these egregious acts. Mr. Matt Waxman, the Deputy Assistant Secretary of Defense for the Office of Detainee Affairs spoke in the October 5 side panel about Abu Ghraib, the steps that we are taking to ensure detainees are treated humanely and in accordance with our obligations under international law.

Because we believe so strongly in the importance of preventing torture and other serious abuses of detainees, I would like to note some of the U.S. efforts to assist other countries in addressing these concerns. In particular, the U.S. has been active in assisting the efforts of the Government of Uzbekistan to take actions recommended by the U.N. Special Rapporteur on Torture in order to end torture and other serious abuses of detainees in that country. Our efforts, directed to both governmental and non-governmental groups, have targeted these recommended actions and have produced some positive first steps. The U.S. is providing

technical assistance and financial support to criminal defense lawyers in Uzbekistan so that they may be available 24 hours a day to provide pro bono counsel in the pre-trial stage, a critical period when detainees can be particularly at risk. We are also funding a project to bring local human rights groups in a structured dialogue with Uzbekistani law enforcement officials in an effort to create awareness of the issue and build trust so that it can be addressed. We are pleased to note that this project has already borne fruit in that the Government of Uzbekistan is now providing these human rights NGOs with access to prisons in order to monitor conditions and help it better ensure that torture and other serious abuses do not occur. While more must be done, including the introduction of habeas corpus legislation, we are very encouraged by these first steps.

Mr. Moderator, unfortunately human rights abuses persist in many places around the world. When we become aware of possible abuse, we investigate and hold perpetrators accountable. All OSCE Participating States must work towards ensuring that we have proper procedural safeguards in place to prevent torture, holding accountable those who may violate the law. Thank you.