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OMCT STATEMENT ON UN HUMAN RIGHTS DAY:

Time to restore respect for the absolute prohibition of torture

Geneva, 10 December 2010. On the occasion of the UN Human Rights Day the World Organisation against Torture (OMCT) calls for urgent steps to protect persons from torture worldwide and to fully restore respect for the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment.

'The persistent impunity and lacking legal accountability for acts of torture and other human rights violations in the name of protecting security remains today one of the most fundamental challenges to the human rights community', said Eric Sottas, Secretary General of the OMCT. 'It must be clear that national security does not give any discount on accountability for torture and other ill-treatment', he added.

The universal day for human rights should remind governments around the world that international law mandates States to prevent and prohibit torture and other forms of cruel, inhuman or degrading treatment or punishment but also to investigate such violations and to provide victims of torture and ill-treatment with an effective remedy and reparation. Torture and impunity corrupt state institutions, nourish relativism and the type of justification discourse that sought legitimacy for interrogations under torture and other prohibited treatment. Without legal accountability the door remains open for a return of such policies. Ultimately, we should not lose sight that protecting human dignity and ensuring accountability is a key requirement for any viable long-term security response that is to be both effective and legitimate.

Unfortunately, the reality witnessed by the OMCT in many parts of the world remains grim. Despite compelling evidence about torture, enforced disappearances and other human rights violations committed in the name of national security there is almost complete impunity for such violations. The OMCT remains particularly concerned over the continuous lack of legal accountability for the US interrogation and rendition policy. While the policy of so-called 'enhanced interrogations' has been formally ended, no credible steps have been taken to bring those responsible to justice. Government lawyers who authored legal memos that sought to immunize officials from prosecution have been cleared from disciplinary sanctions. Remedies sought by those subjected to torture or enforced disappearances have been systematically frustrated with extensive invocations of state secrecy and national security doctrines, and investigations in third countries have been met with a lack of cooperation and political pressure on partner countries to end them. European Governments, too, have yet to credibly address the full dimension of their own complicity into torture, secret detentions and extraordinary renditions. Where inquiries and independent investigations have been undertaken they were impeded by extensive secrecy invocations or the failure to seek extradition of US suspects.

It is time to come clear with these policies and to learn the lessons of this experience in order to move forward. The experience over the last years has shown the need for more effective control and oversight over the secret world of intelligence services and their international cooperation in order to prevent such violations in the future. In light of the present discussion about transparency and national security the OMCT considers it vital to keep in perspective that much of what is known today about secret detention, torture and disappearances is the result of investigative journalism able to rely on confidential sources and whistleblowers. Extensive notions of secrecy were an important part of those illegal policies and should not stand in the way of accountability. At the core of the debate should thus

be how to ensure accountability for crimes under international law and to secure adequate accountability and transparency in the future.

'The inability or unwillingness by Governments, including those traditionally committed to the rule of law, to confront torture and ill-treatment sets back the global fight against impunity', said Eric Sottas. 'It risks to create a 'crack' in the foundation of the human rights framework as it exposes it to accusations of selectiveness and double standards in which the mighty claims the privilege to decide whether to apply the law', he noted.

Ultimately, the UN Human Rights Day reminds us all that ensuring the respect for the absolute prohibition of torture and ill-treatment is our joint responsibility. The assault on the universal prohibition of torture and ill-treatment requires the rejection from the broader public. To this end, the OMCT has launched an [international campaign](#)¹ that is implemented jointly with its SOS Torture Network around the world. The OMCT invites anybody to join the campaign and sign the manifesto by nine Nobel Price Laureates in March 2010 on the protection of the universal prohibition of torture and other cruel, inhuman or degrading treatment or punishment.

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¹ <http://www.omct.org/international-campaigns/campaign-prohibition-torture/>