



## United States Mission to the OSCE

# PREVENTION OF TORTURE

**Statement of Dr. Ruth Wedgwood  
U.S. Delegation to the OSCE Implementation Meeting  
October 9, 2003**

Mr. Moderator, every country represented in this room today has freely adopted and is bound by a commitment prohibiting torture. Freedom from torture is an inalienable right, and the prohibition against torture, cruel, inhuman or degrading treatment or punishment is universal and allows no exception – even during times of war or states of emergency.

Unfortunately, this universal commitment is not consistently implemented. How can we improve and ensure that implementation? Solving the problem of torture is linked to our earlier subject of police reform. We need to maintain professional standards in recruiting and training police. We need to show police forces that there are far more reliable and humane ways to solve crimes. We need to convince the police that nothing is ever “off the record” in life.

As a concrete recommendation for the OSCE, the United States would welcome the reinvigoration of the ODIHR Experts Panel on Prevention of Torture. This is a useful tool to assist participating States in meeting their obligations in this critical area.

Political leaders and courts play a central role in communicating to the general public and to the law enforcement community that torture will not be tolerated and that its perpetrators will be brought to justice. Let me describe the American commitment on this subject. The United States Constitution prohibits cruel and unusual punishment. This limits methods of police investigation, formal sentences, and actual conditions in jail. The so-called “exclusionary rule” means that statements obtained under torture will not be admitted into evidence in a prosecution. Allegations of police violence are investigated and wherever possible, they are prosecuted. These safeguards apply both to federal, state, and local criminal justice systems.

At a national level, we have made our commitments clear. On June 26, 2003, the United Nations Day in Support of Victims of Torture, President George W. Bush restated the U.S. commitment against torture and the infliction of severe physical or mental pain or suffering on any persons within its custody or control.

The General Counsel of the U.S. Department of Defense, William J. Haynes, made a parallel statement on June 25, 2003. As Mr. Haynes stated unequivocally,

It is the policy of the United States to comply with all of its legal obligations prohibiting torture. Its obligations include conducting interrogations in a manner that is consistent with the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“CAT”), as ratified by the United States in 1994. And it includes compliance with the Federal Anti-Torture statute, 18 U.S.C. secs. 2340-2340A, which Congress enacted to fulfill its obligations under the CAT. The United States does not permit, tolerate or condone any such torture by its employees under any circumstances.

Let me address two other situations touched on earlier in this session. We note that the government of Uzbekistan publicly acknowledged the problem of serious abuses in its prisons and detention facilities soon after the UN Special Rapporteur on Torture made his February 2003 report. We appreciate this frank acceptance of the need to confront the problem, and Uzbekistan’s subsequent dialogue on the issue with foreign ambassadors and UN officials. Unfortunately, the underlying problem persists. People continue to die in the custody of Uzbek authorities. There have been four such deaths in the past year, each likely the result of torture. We urge President Karimov to state clearly that torture in Uzbekistan’s prisons is unacceptable and that it must stop.

The United States appreciates the process underway in Uzbekistan in crafting an action plan to combat torture. To be meaningful, of course, a plan must lead to concrete action on the ground. We recommend that the Government of Uzbekistan’s actions include the following:

- 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.
- Measures providing for the right of habeas corpus should be enacted and implemented within months, not years.
- Testimony as a result of torture should be prohibited in criminal courts as evidence, both in law and practice.
- Uzbek authorities must investigate and prosecute instances of torture.
- Consistent with the OSCE commitment adopted at the Istanbul Summit, the government of Uzbekistan should assist victims of torture, and cooperate with international and non-governmental organizations in identifying torture victims and ensuring treatment for them.

In addition, the OSCE should ensure that its training programs - including police and judicial training programs – incorporate information on preventing and punishing acts of torture.

Ultimately, however, combating torture requires the political will and leadership of individual participating States, including Uzbekistan.

Finally, allow me to mention the situation of grave concern in Turkmenistan. Following reports of a November 25 attack on President Niyazov's motorcade, there have also been multiple, credible reports of the torture and deaths of persons in custody in Turkmenistan. Several persons detained in connection with the November 25 incident have reported seeing others who were tortured during their arrest. Others have reported hearing family members being tortured in the next room, an ultimately cruel means to extract information from them. Shockingly, the persons reportedly tortured include a former Turkmenistan Ambassador to the OSCE, Batyr Berdiev, as well as Boris Shikmuradov, Yklim Yklimov, Yazgeldy Gundogdiyev, Timur Jumayev and Akmurad Kabulov. In addition, Gurbanmurad Niyazov and Khait Kakayev have died in the custody of Turkmen officials – apparently of malnutrition and a lack of medical care.

These reports obviously require vigorous investigation and remedy, and should not be swept under the rug by Turkmenistan.