



United States Mission to the OSCE
**Statement on Rule of Law: Protection of Human Rights
and Fighting Terrorism; Prevention of Torture; Discussion
on Abolition of Capital Punishment at HDIM Session 12**

As prepared for delivery by Ambassador Michael Kozak, Head of
Delegation
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No crime offends human dignity more than torture. We believe that torture and cruel, inhuman, and degrading treatment are abhorrent in all places, at all times, with no exceptions. The United States actively works to combat torture around the world. We support civil society organizations that campaign against torture, and those that help its victims.

The United States is committed to protecting human rights while countering terrorism and violent extremism. We believe in the necessity of independent judiciaries that uphold the rule of law; police and security forces that respect human rights; space for members of civil society groups and all individuals to exercise their human rights, including the freedom of expression; and freedom of religion to ensure lasting stability and security.

Our efforts to make these commitments a reality include: generating positive alternatives for those vulnerable to violent extremism and improving law enforcement relations with local communities that may be targeted by violent extremists; and rehabilitating and reintegrating violent extremists.

We recognize that participating States share the goals of countering terrorism and violent extremism, but we are concerned that laws against “extremism” are used in some countries to unduly restrict freedom of expression, to repress political dissent or to interfere with the exercise of the freedom of religion or belief.

Uzbekistan continues to keep many prisoners of concern incarcerated by the previous government on the basis of questionable charges, including “religious extremism.” We are encouraged by President Mirziyoyev’s reform efforts, including retiring black lists, and the release of five high profile prisoners since coming to power. We urge further progress in these areas.

Tajikistan has imprisoned members of peaceful political opposition groups in the name of countering violent extremism. The government is also accused of misusing international law enforcement mechanisms, such as the Interpol Red Notice, to reach opposition group members abroad.

Kazakhstan has used vague charges of “extremism” to exert pressure on political opposition, imprison members of religious minorities with no credible basis, and to criminalize various

forms of religious communication. The government also uses vague “incitement to discord” charges to punish those who exercise their right to free expression.

The Russian Federation uses “extremism” laws to prosecute many forms of dissent. We are appalled by the government’s decision in July to ban the Jehovah’s Witnesses, a peaceful religious group, as “extremist.”

Within Russia, numerous credible reports indicate that law enforcement personnel continue to engage in torture, abuse, and violence to coerce confessions from suspects with impunity. We have raised the reports of a coordinated campaign in Chechnya to detain and torture at least 100 gay men. Last Friday, in a right of reply, the Russian representative stated “not a single case has been detected” and “all accusations are baseless.” On July 6, the Russian investigative committee reportedly presented preliminary results of an investigation to Human Rights Ombudswoman Moskalkova, which did not confirm the allegations. But the Ombudswoman noted to the press that she considers the investigation unfinished because she has not received a response on the status of individuals on the list of names she provided to investigators. Is the investigation still ongoing? If ongoing, the assertion that the accusations are baseless seems premature. If closed, where is the official announcement of conclusions?

In Russia-occupied Crimea, we remain deeply troubled by reports, including by the UN Human Rights Monitoring Mission, that occupation authorities routinely use torture and other forms of abuse, including arbitrary psychiatric internment, against Ukrainian detainees.

Reports continue of torture and other mistreatment of prisoners in Uzbekistan by prison personnel. We support the OSCE training on prevention of torture conducted in Tashkent, and hope that the new government will take further action. We also encourage the government to allow international monitors to resume prison visits.

We read the government of Turkmenistan’s report to the UN Committee Against Torture, but note its unwillingness to consistently allow family members, advocacy organizations, or international observers access to its prison system, as the government has pledged. We note positively that the government allowed the diplomatic community access to Dashoguz prison last year, and we encourage the government to grant access to Ovadan Depe prison. With respect to the cases of several dozen disappeared political prisoners listed by international civil society groups, we urge the government to provide information on their whereabouts and condition, and their status since their disappearances. It is outrageous that former OSCE Ambassador Batyr Berdiev has been disappeared for fifteen years with no explanation.

The UN Committee against Torture report on Azerbaijan expressed concern about allegations of torture and mistreatment of prisoners, including the use of torture to coerce confessions. The Committee expressed concerns that not a single individual was prosecuted for such abuse for years, despite complaints from released political prisoners and their lawyers. More recently, Muslim Unity Movement leaders Taleh Bagirov and Abbas Huseynov, and youth activists Giyas Ibrahimov and Bayram Mammadov, alleged they were tortured by government officials.

In Turkey, we are troubled by reports of hundreds of cases of abuse or torture in detention centers since the state of emergency took effect, including allegations of abuse or torture by police of dozens of villagers in the Semdinli district of Hakkari province in August.

Turning to capital punishment, while we respect the views of those who advocate for the abolition of the death penalty or a moratorium on its use, we note that international law does not prohibit capital punishment. Rather, each country is entitled to choose the path to take on this policy matter. Any decision to eliminate capital punishment must be addressed through the domestic democratic processes of individual countries.

The American people, both at the federal level and in the majority of our individual states, acting through their freely elected representatives, have enacted, and continue to maintain, laws authorizing the death penalty for the most serious crimes.

The International Covenant on Civil and Political Rights (ICCPR) specifically recognizes the authority of countries to impose the death penalty for “the most serious crimes,” in accordance with the law in force at the time of the commission of the crime, when carried out pursuant to a final judgment rendered by a competent court and in accordance with applicable provisions of the Covenant, including requisite safeguards and fair trial guarantees. U.S. law and the U.S. judicial system provide an exhaustive system of protections at both the federal and state levels to ensure that the death penalty is not applied in a summary or arbitrary manner or in any manner inconsistent with the U.S. Constitution.

We continue to believe that greater focus is needed on addressing and strengthening compliance with existing international obligations regarding the application of the death penalty. The United States urges all States to address and prevent human rights violations that may result from the improper imposition and application of capital punishment.

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