

United States Mission to the OSCE



Session 5: Rule of Law II

*Exchange of views on the question
of capital punishment;
Prevention of torture;
Protection of human rights and fighting terrorism*

As prepared for delivery by Ambassador Guest
October 5, 2010

Moderator,

The Charter of Paris states that “human rights and fundamental freedoms are the birthright of all human beings . . . [t]heir protection and promotion is the first responsibility of government.” At the same time, each of our countries has a basic imperative of ensuring the safety of our citizens, including by fighting terrorism.

Clearly our governments must balance these two tasks. But the default mode for many capitals and, indeed, many multilateral fora, is to discuss human rights concerns in one room, and then discuss counter-terrorism and security concerns in another room. All of us have to bridge that gap by ensuring that, within the OSCE’s activities, our discussions on these issues are cohesive.

We’re all aware of cases in which government leaders, believing their countries to face an unusual and grave threat, may have compromised respect for human rights in the name of national security. Leaving aside those cases in which the so-called “threat” might not actually be to citizens, or even to the state itself, but to the viability of the ruling regime, international human rights instruments do recognize that some degree of compromise may be needed when there are real threats to the nation. That is, in certain narrowly defined and specified circumstances, some rights may be subjected to specified limitations to accommodate security needs.

The U.S. is concerned about the use of laws against “extremism” by a number of OSCE States, ostensibly as a tool to combat terrorism. In many cases, these laws are impermissibly vague and overly broad in their application. These laws have been used against journalists, persons with religious or political views disfavored by the government – even artists. In some instances, groups with no links to violence have been designated as “extremist,” a designation then used as the basis for confiscating religious literature. Such

“anti-extremism” laws thus appear to be tools for political control or expressions of ethnic or religious intolerance, rather than genuine counter-terrorism measures. We urge participating States to ensure that counter-terrorism laws do not undermine freedoms of religion, expression, assembly, and other basic rights.

There have been a number of extremely critical reports about U.S. counter-terrorism policies and practices, and my government often disagrees vigorously with those views. But journalists and NGOs have the right to investigate and report on governmental activities, and our courts have broadly upheld those rights. We thus reiterate our support for an independent media and a robust civil society.

Finally, Moderator, the United States is concerned by credible reports from Kyrgyzstan that some ethnic Uzbeks in Osh are being arbitrarily arrested and, once in custody, tortured and even killed. Attorneys and human rights activists who assist them often face acts of violence for which no one is held accountable, and harassment by authorities who often pressure threaten to arrest them. Moreover, military and paramilitary units do not wear standard uniforms or badges, so it is difficult to identify those committing the abuses. Despite pressure from activists, authorities are only investigating crimes against ethnic Kyrgyz, nor do these governments bring the identities of alleged perpetrators to light. We urge the Kyrgyzstan authorities to investigate these allegations, and take measures to prevent abuse from occurring.

Thank you.