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**STATEMENT BY MR. ANVAR AZIMOV,
PERMANENT REPRESENTATIVE OF THE RUSSIAN FEDERATION,
AT THE SPECIAL MEETING OF THE OSCE PERMANENT COUNCIL**

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**Regarding the observance of the principle of the rule of law in Sweden and
the United States**

Considering that the subject of our discussion today is the question of the rule of law, we should like to draw attention to a number of alarming trends in the way this principle is being implemented in so-called “countries of developed democracy”.

At meetings of the Permanent Council we have already touched on the subject of the Australian citizen, Julian Assange. As you are aware, the case brought against him caused a great public stir. Our attention has been captured by the results of a recent nationwide poll of leading Swedish jurists, which confirm the justification of the claims put forward by Julian Assange’s defence vis-à-vis the Swedish justice system.

In Sweden there actually exists the practice, in the case of a person not yet convicted, of depriving that person of his or her freedom for an unspecified period at the request of the prosecution immediately following the first interrogation. What is more, the lawyer defending the accused is given the opportunity to familiarize himself or herself with the prosecution’s documentation only a few minutes before the start of the court proceedings, resulting in a significant imbalance in the way the defence and the prosecution are able to prepare themselves for the trial. This state of affairs has on more than one occasion been criticized by competent international organizations, including the United Nations Committee against Torture.

In Sweden there is also no routine practice of translating the prosecution’s documents into the language of the accused, a fact that unquestionably complicates his or her situation.

According to estimates of Swedish jurists, 75 per cent of the jurors in that country’s lower courts are retired politicians. It is obvious that, because of this failure to maintain an age balance, their decisions may not reflect the actual views of society. The reasonable question arises as to just how far this is in line with today’s declarations regarding the rule of law, not to mention the fact that Julian Assange’s problems with the law arose quite suddenly after he had dispatched to leading media an electronic package of documents regarding the progress of the war in Afghanistan and after he had published correspondence among officials of the United States Department of State.

We should like to take this opportunity to also briefly outline the situation as regards the observance of the principle of the rule of law in the United States. Quite recently the Supreme Court of that country rejected a petition filed as long ago as May 2007 by the non-governmental organization, the American Civil Liberties Union, asking that the air transport company Jeppesen Dataplan be found guilty of illegally transporting persons accused of links with terrorists to secret CIA prisons located abroad and also calling for compensation for the sufferings of the victims of torture. In this way, as we understand it, the many years of efforts to achieve justice in the United States by this human rights organization and by the persons it defends have been in vain.

In connection with the fact that the previous United States administration referred to the “need to protect State secrets” as an excuse for blocking the examination of this appeal, it is difficult to disagree with the view of the aforementioned non-governmental organization that “torture is not a State secret but a crime”.

As we all know, the United States is proud of its “unique” system of law and even asserts that it is guided by higher standards for the protection of rights than those that have been collectively devised by the international community. In actual fact, however, the United States justice system operates in an extremely selective manner. For example, those interred at the prisons at Guantánamo and Bagram have no right at all to the examination of their cases by an independent court. The accusations heard over many years regarding the cruel treatment of those held at these prisons, along with the refusal to allow independent international monitoring agencies to interview the inmates, will come as no surprise to anyone.

A largely similar situation can be observed in the case of Private Bradley Manning, who is awaiting trial on the charge of “helping the enemy” as manifested in the illegal downloading of secret reports. According to the opinions of human rights organizations, it is nothing more than a mockery that Private Manning has been held for nearly a year in solitary confinement, that he is not allowed out into the fresh air and that he is forced to sleep without clothes. As you are aware, not so long ago the United States refused to grant permission to the United Nations Special Rapporteur on Torture, Mr. Juan Méndez, to talk one-to-one with Private Manning. It would seem to us that a state of affairs of this kind is in no way compatible with United States declarations regarding its commitment to the rule of law.

We are counting on the United States Government to implement in full the many recommendations that have been formulated as a result of the outcome of the Universal Periodic Review procedure with regard to that country. We would also call on our colleagues to take a responsible approach to the implementation of the commitments they have assumed within the OSCE.

Thank you for your attention.