



OSCE HUMAN DIMENSION IMPLEMENTATION MEETING 2007

Working Session 9, 28th September, Warsaw

Rule of Law II:

Capital Punishment, Prevention of Torture, International Humanitarian Law and Protection of Human Rights and Fighting Terrorism

Recommendations from the European Union

Prevention of Torture

- The EU expects all OSCE Participating States to ensure that no one is subjected to torture or cruel, inhuman or degrading treatment or punishment or transferred to a country where there are substantial grounds to believe that he or she would be subjected to torture or ill treatment.
- The EU also expects all OSCE Participating States to cooperate fully and in good faith with international organisations and independent international monitors such as the OSCE, ICRC, the Council of Europe and the UN human rights mechanisms such as the Special Rapporteur on Torture, CAT and SPT and to grant them unconditional and unhindered access.
- The EU recommends that OSCE Participating States sign and ratify the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment at the earliest opportunity and make the declarations provided for in Articles 21 and 22 of the Convention.
- The EU recommends all OSCE Participating States to ensure the implementation of UN General Assembly resolution 61/153 on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Protection of Human Rights and Fighting Terrorism

- While the European Union underlines the importance of a comprehensive and vigorous response to terrorism and remains determined to tackle this scourge, the EU expects that all OSCE Participating States fully respect human rights, refugee law and international humanitarian law in their counter terrorism measures. In particular, it is of utmost importance that freedom of assembly, association and expression are respected in the measures countering terrorism.

International Humanitarian Law

- The EU expects that all OSCE Participating States ensure respect for international humanitarian law, including in particular the obligation to distinguish between civilians and combatants and the principle of proportionality.

Capital Punishment

- The EU urges all OSCE Participating States that have not yet done so to abolish capital punishment and to establish a moratorium on executions in the meantime.

- Recommends all OSCE Participating States to support the draft resolution on a moratorium and the abolition of the death penalty to be presented at the UN General Assembly.

- The EU urges OSCE Participating States, which regrettably still apply capital punishment to abide by international laws and standards, to guarantee due process and most notably to inform other Participating States as well as their own civil society about any death sentence, any final judgement imposing or confirming the death penalty and any execution, including dates and names of those convicted or executed, the grounds for their conviction and any other relevant circumstances in full.

- The EU recommends all OSCE Participating States to ensure the implementation of UN Commission on Human Rights resolution 2005/59 on The Question of the Death Penalty and requests all OSCE Participating States who have not yet done so to sign the Declaration Against the Death Penalty, which was read out on 19 December 2006 at the UN General Assembly and has so far been signed by nearly 100 UN Member States, among them 50 OSCE Participating States.