

Delegation of the Russian Federation

**STATEMENT BY THE DELEGATION OF THE
RUSSIAN FEDERATION AT THE SUPPLEMENTARY HUMAN
DIMENSION MEETING ON THE RULE OF LAW IN THE
PROMOTION AND PROTECTION OF HUMAN RIGHTS**

11 July 2013

**Session I: The role of legislative, regulatory and institutional frameworks
as well as governments and civil society in the promotion and
protection of human rights**

**The right to a fair trial, access to judicial remedy and combating torture and
other cruel and degrading treatment or punishment**

Mr. Chairperson,
Ladies and gentlemen,

The issues of human rights protection we are considering today in the context of ensuring the rule of law are of great importance. The OSCE participating States have committed themselves to ensuring that all individuals in detention or incarceration will be treated with humanity (Vienna, 1989) and acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Copenhagen, 1990). They have also acknowledged that no exceptional circumstances whatsoever may serve as a justification for torture. A large number of consensus-based OSCE documents contain commitments by the participating States to ensure the rights to a fair trial, freedom from arbitrary arrest or deprivation of liberty and access to judicial remedy.

Nevertheless, everything is not yet positive in the OSCE area in this regard. In a number of countries these problems are sporadic, while in some countries they bear all the hallmarks of systemic violations. These issues are also very relevant for Russia. We do not conceal the fact that our country is still in the process of building effective legislative and law enforcement systems and an independent judicial system. Recently the executive and legislative authorities, the law enforcement agencies and the representatives of civil society have been devoting particular attention to this topic. A great deal has been fixed, yet there is still much to be done.

Moreover, it is alarming that there are long-standing problems with ensuring the rule of law, which in turn leads to the most serious violations of human rights, not only in the so-called “young democracies”, but also in countries that frequently claim in this forum to be practically model democratic States.

We hope that effective measures will be adopted in the OSCE States to put a stop to the practice of detention without trial, including by closing the prison at Guantánamo Bay as soon as possible, in accordance with the numerous urgent recommendations by international human rights bodies. We are gravely concerned about the cruel treatment of detainees in that prison, not least considering that the Russian citizen Ravil Mingazov has been detained there for more than ten years without trial or investigation. His legal rights and interests should be strictly observed.

We also hope that all those found guilty of using methods of torture during interrogation in the course of the “war on terror” such as prolonged sleep deprivation, confinement in boxes containing insects, enforced nakedness and waterboarding will be punished in accordance with the international legal commitments under the Convention against Torture. It is well known that in some countries detained persons are systematically tortured, including through the placing of bags over their heads and torture with electric current. Last year the results of a study by non-governmental human rights organizations were presented, according to which up to 114,000 civilians were killed in the Iraq conflict, of whom approximately 14,700 were killed by the international coalition forces (mainly as a result of air strikes and the use of drones). In essence, this is a matter of war crimes and extrajudicial executions.

We would also like the European Union countries to conduct a serious investigation and provide an assessment of the practice of secret detention, transportation and the holding of persons suspected of terrorism in “secret prisons”. It is regrettable that the Council of Europe and the European Commission are continuing to remain silent on this matter, hiding behind references to the exclusively internal competence of the European Union countries.

These blatant violations of human rights should be the subject of constant and extremely careful attention on the part of the OSCE. We trust that in the future the OSCE and its institutions will continue to devote particular attention to the inadmissibility of detention without trial, and also to the precedents of the extraterritorial application of national criminal and counter-terrorist legislation to citizens of third countries in violation of the commitments under the International Covenant on Civil and Political Rights (1966). We also hope that the CIA will finally put a stop to the “secret prisons” issue.

We believe that such an approach to ensuring the rule of law should become the norm throughout the OSCE area.