

24 September 2014

Action by Christians Against Torture (ACAT)**Statement****Torture: the need for universal jurisdiction in OSCE participating States
Working session 4 - Rule of Law I**

I'm Christine Laroque from the France based NGO ACAT (Actions by Christians Against Torture). ACAT has been working for 40 years on the prevention & repression of torture, documenting the practice of torture worldwide, producing reports and analysis, litigating torture cases and advocating against this practice.

All 57 OSCE participating States have committed to prohibit torture and ill-treatments and are all States Parties to the Convention against Torture (CAT). Unfortunately, we all know that the reality is far from the announced commitments. Impunity of torturers is a concern across many OSCE states.

Repression of torture can be a great deterrent of such egregious practice and a mean of prevention. While it is preferable to prosecute those responsible for these crimes in the country where the crimes occurred, justice is not always possible there. National courts may be unable to provide justice due to inadequate laws or resources. But States may also be unwilling to prosecute perpetrators and use their legal system to shield the accused from justice.

In this case, universal jurisdiction is a fundamental tool to fight against impunity.

Universal jurisdiction allows national courts to try those who have committed torture in other countries. This rule became famous when it was invoked by a Spanish judge to indict Augusto Pinochet in Spain – and led to Pinochet's arrest in the United Kingdom in 1998.

For 16 years, universal jurisdiction has developed. Today, a number of OSCE countries use universal jurisdiction: Germany, Belgium, Canada, Denmark, Spain, United States, Finland, France, Norway, the Netherlands, United Kingdom, Switzerland and others. Over one hundred universal jurisdiction-based proceedings are ongoing and some torturers have been convicted.

But universal jurisdiction is under pressure as highlighted for instance by the restrictions brought by the UK and Spain in their legislation regarding universal jurisdiction.

Torturers must not find safe haven anywhere they go or when they flee their own country. Appropriate laws and strong political will are essential to create in all OSCE States a net against impunity. ACAT urges all States committed to the fight against impunity to set up and implement universal jurisdiction law and mechanism, and provide adequate resources.

- **Recommendation for OSCE**

ACAT recommends OSCE, and in particular ODIHR to work and promote universal jurisdiction to fight against torture.

