



United States Mission to the OSCE

OSCE Human Dimension Implementation Meeting

Working Session 5:

Rule of Law II:

Protection of human rights and fighting terrorism;

Prevention of torture;

Exchange of views on the question of
the abolition of capital punishment

As prepared for delivery by Amb. Michael Kozak, Head of Delegation
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The United States is committed to protecting human rights while countering terrorism and violent extremism. We believe in the necessity of independent judiciaries that uphold the rule of law; police and security forces that respect human rights; space for members of civil society groups and all individuals to exercise their human rights, including freedom of expression; and protection for freedom of religion and other fundamental freedoms to ensure lasting stability and security.

Our efforts to make these commitments a reality include: generating positive alternatives for those vulnerable to violent extremism, improving law enforcement relations with local communities that may be targeted by violent extremists, and rehabilitating and reintegrating violent extremists.

No crime offends human dignity more than torture. We believe torture and cruel, inhuman, and degrading treatment are abhorrent in all places, at all times, with no exceptions. The United States works to combat torture around the world. We support civil society organizations that campaign against torture and those that help its victims.

We recognize that participating States share the goals of countering terrorism and violent extremism, and commend the progress in certain countries in advancing these goals in ways that are consistent with respect for human rights. But we are concerned that laws against so-called "extremism" are misused in some countries to unduly restrict freedom of expression, to repress political dissent, or to interfere with the exercise of the freedom of religion or belief.

We are encouraged by **Uzbekistan** President Mirziyoyev's reform efforts since coming to power, including abolishing the use of evidence obtained by torture, removing thousands of individuals from blacklists, and releasing dozens of prisoners of conscience. We urge further progress and encourage Uzbekistan to invite the UN Special Rapporteur on Torture to visit.

Tajikistan has imprisoned members of peaceful political opposition groups in the name of countering violent extremism. There have been allegations of torture of detainees.

The government also is accused of misusing international law enforcement mechanisms, such as the INTERPOL Red Notice, to target opposition group members abroad.

We welcome **Kazakhstan's** pardon and release from prison of Jehovah's Witness Teymur Akhmedov, who had been convicted of extremist activity in 2017 for practicing his religion. However, Kazakhstan continues to use charges of so-called "extremism" to exert pressure on political, religious, and civil society groups. We note allegations of torture in detention and prison facilities.

There are continuing reports of **Turkmenistan's** use of excessive force to intimidate individuals and coerce confessions, as well as arbitrary detention, and collective punishment by security forces.

At the OSCE's August 30 Permanent Council meeting in Vienna, the United States joined 14 other permanent States in invoking the Vienna Mechanism to press **Russia** for a substantive response to credible reports alleging a 2017 mass torture campaign by Chechen authorities against perceived LGBTI individuals and other human rights violations and abuses. Since Russia failed to provide a meaningful response within the Mechanism's required ten-day window, the United States and our like-minded partners are considering next steps.

The Russian Federation continues to use overly broad "anti-extremism" laws to prosecute many forms of dissent and religious practice. We condemn the government's actions this year to imprison several dozen Jehovah's Witnesses on baseless "extremism" charges, and we again call for their immediate release.

Numerous credible reports during the year indicate that Russian law enforcement and prison personnel continue to engage in widely practiced torture and other forms of abuse. We were particularly troubled by the emergence in July of horrifying video footage of prison guards in Yaroslavl torturing inmate Evgeniy Makarov. We urge Russian authorities to provide full accountability for this and other documented cases of torture and to ensure the safety of the human rights defenders who brought the footage to light.

Regarding Russia-occupied Crimea, we remain troubled by reports, including by the UN Human Rights Monitoring Mission, that occupation authorities routinely use torture and other forms of abuse, such as arbitrary psychiatric internment, against Ukrainian detainees.

We remain troubled by credible reports of torture and mistreatment in **Azerbaijan** of prisoners, including to coerce confessions. We call upon the authorities to meaningfully investigate all such reports. There have been no investigations into allegations of the torture last year of Muslim Unity Movement figures Abbas Huseynov and Jabbar Jabbarov, nor of prominent blogger Mehman Huseynov. Those who expose torture often face retribution. After Mehman Huseynov stated that police had tortured him, he was charged with criminal defamation and sentenced to two years in prison. Last September, police reportedly sexually assaulted some detained LGBTI individuals with truncheons, while others stated they were subjected to electric shock until they signed documents confessing they were engaged in prostitution.

This February, the UN Special Rapporteur on Torture stated that in **Turkey** allegations of torture and mistreatment in police custody have increased since December 2016. Also highly disturbing are continuing reports that some doctors will not sign their names to medical reports alleging torture due to their fear of reprisal. As a result, victims often are unable to get medical documentation that could help prove their claims. The Peoples' Democratic Party (HDP) alleged that police tortured dozens of civilians in Hakkari Province in August 2017. Ten former detainees filed claims of torture against police. We understand that the authorities opened an investigation, and we would appreciate an update. We also call on Turkey to enforce laws prohibiting torture and promote a law enforcement culture that upholds and protects human rights.

Turning to capital punishment, while we respect the views of those who advocate for the abolition of the death penalty or a moratorium on its use, we note that international law does not prohibit capital punishment. Rather, each country is entitled to choose whether to authorize the use of the death penalty. Any decision to eliminate capital punishment must be addressed through the domestic democratic processes of individual countries.

The American people, both at the federal level and in the majority of our individual states, have enacted laws authorizing the death penalty for the most serious crimes.

The International Covenant on Civil and Political Rights (ICCPR) specifically recognizes that it is lawful for countries to impose the death penalty for “the most serious crimes,” in accordance with the law in force at the time of the commission of the crime, when carried out pursuant to a final judgment rendered by a competent court and in accordance with applicable provisions of the Covenant, including requisite safeguards and fair trial guarantees. U.S. law and the U.S. judicial system provide an exhaustive system of protections at both the federal and state levels to ensure that the death penalty is not applied in an unlawful or arbitrary manner or in any manner inconsistent with the U.S. Constitution.

We continue to believe that greater focus is needed on addressing and strengthening compliance with existing international obligations regarding the application of the death penalty. The United States urges all States to address and prevent human rights violations that may result from the improper imposition and application of capital punishment.

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