



OSCE/ODIHR HDIM, Rule of Law II, Prevention of torture, Protection of human rights and fighting terrorism

28 September 2011, Gunnar M. Ekeløve-Slydal, NHC

## **Prevention of torture, Protection of human rights and fighting terrorism**

Mr/Mdm Moderator, Ambassadors, Ladies and Gentlemen

The Norwegian Helsinki Committee thanks for the opportunity to address this important meeting on such a vital topic as the prevention of torture.

We are proud of coming from a country that does not suffer from practices of torture. We conduct prison visits in Norway, and we never heard of torture from prisoners.

On 22 July this year, Norway suffered from a massive bomb attack against government buildings in central Oslo, killing 8 and wounding many. The same day, and allegedly by the same culprit, 69 mostly young persons were killed in a shooting spree at Utøya outside Oslo. Mr Anders Breivik who has acknowledged responsibility for these cruel crimes is currently in pre-trial detention, being interviewed by investigators.

Mr Moderator, in public debates following these tragic events the strongest and most persistent voices in our society argued that we have to deal with Mr Breivik as we deal with other criminal suspects, abiding by rule of law and principles of fair trial. Norwegian society would not accept that Mr Breivik succeed in his aim to undermine values and principles it took Norway a long time to establish and that are at the heart of Norway's democratic order.

The Norwegian political leaders came out early and said that we should strengthening democracy and openness. A law professor even argued that an important part of the punishment for Mr Breivik should be a failure to weakening principles of democracy, fair trial and a tradition of moderation in sentencing criminal acts.

This situation is very different from many OSCE participating states. The story is all too well-known how fighting real or alleged terrorism both East and West of Vienna has become a threat to the absolute prohibition against torture.

In a Side Event this evening on the lack of justice, we show how some OSCE states have failed to act in accordance with OSCE commitments and international law in addressing situations of conflict, public protest, or violent extremism. We welcome you all to focus on situations in North Caucasus, Georgia during the 2008 war with Russia, the tragic 2010 events in South Kyrgyzstan and the May 13 2005 massacre in Andijan, Uzbekistan. Torture, unfair trials and denial of justice is an important part of the problem in these situations.

In some OSCE states there are, however, glimmers of hope that wrongdoings in this respect will be rectified. A recent public inquiry in United Kingdom into the death of Mr Baha Mousa while in British

custody in South Iraq, documented that he had been repeatedly beaten and suffered inhuman and degrading treatment, eventually resulting in his death.

The UK Prime Minister David Cameron commented that the violence was “shocking and appalling”, and must never happen again. “If there is further evidence that comes out of this inquiry that enables further action to be taken, it should be taken”, he said. “Britain does not cover these things up; we do not sweep them under the carpet. We deal with them.”

If that statement is followed-up on, it would set an important example for other OSCE states.

We commend Norway for its dealing with the terrorist suspect, Mr Breivik. However, there is also reason for criticizing Norway when it comes to its policies on preventing torture. Norway signed the Optional Protocol to the Convention against Torture in 2003. But it has yet to ratify it and to set up a national preventive mechanism.

We see this as a major failing, and urge Norway as well as other OSCE states that have not yet ratified the OPCAT to do so as soon as possible.

And in setting up the preventive mechanism, states should ensure that it’s National Human Rights Institution (abiding by the Paris Principles) play an important role.