

**United States Mission to the OSCE****Working Session 8:  
Rule of law, including:  
Protection of human rights and fighting terrorism  
Prevention of Torture  
Exchange of views on the question of the abolition of capital  
punishment**

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Since the OSCE HDIM in 2014, the United States appeared before the UN Committee Against Torture, where we engaged in an open and forthright discussion on the United States' record on issues ranging from police use of force, to the wide range of civil remedies for seeking redress in cases of torture, to the former CIA Rendition, Detention, and Interrogation program. In December 2014, the U.S. Senate Select Committee on Intelligence released a declassified version of the Executive Summary of its report on the former CIA program, which contributed to a national conversation on this difficult period in American history. As President Obama has acknowledged, we crossed the line, we did not live up to our own values, and we take responsibility for that. We have since taken steps to clarify that the legal prohibition on torture applies everywhere and in all circumstances and to ensure that the United States never resorts to the use of those harsh interrogation techniques again.

The United States is committed to protecting human rights *while* countering terrorism and violent extremism. During last February's White House Summit to Counter Violent Extremism, President Obama stated, "When people are oppressed, and human rights are denied – particularly along sectarian lines or ethnic lines – when dissent is silenced, it feeds violent extremism." He emphasized 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 the freedom of expression; and freedom of religion to ensure lasting stability and security.

Our domestic and international efforts to make these goals 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; amplifying credible religious voices; and rehabilitating and reintegrating violent extremists. At the current Human Rights Council session in Geneva, the United States supports a resolution on preventing and countering violent extremism. President Obama will be hosting a Leaders' Summit on Countering ISIL and Violent Extremism on September 29 in New York on the margins of the UN General Assembly. And the UN Global Counter-Terrorism Strategy, which includes the protection of human rights as one of its four pillars, will celebrate its 10<sup>th</sup> anniversary in 2016 – an important opportunity for the global community to reaffirm its commitment to ensure our counter terrorism (CT) and counter violent extremism (CVE) efforts promote, protect, and respect human rights at all levels.

We recognize that OSCE participating States share the goals of countering terrorism and violent extremism, but we are concerned that laws against “extremism” are used in some countries to repress political dissent, restrict free speech, or unduly restrict the peaceful exercise of religious freedom. NGOs report that Uzbekistan has imprisoned people on vague, politically-motivated charges, including “religious extremism” and acting as “threats to” or “enemies of the state.” One of Russia’s last independent newspapers, Novaya Gazeta, has received two government warnings in the last ten months for publishing content labeled as “extremist” and could face closure if it receives a third warning. We remain concerned that the response to a decade-old insurgency in the North Caucasus region continues to be characterized by egregious human rights violations and abuses, including forced disappearances, the mistreatment of detainees, and the punishment of families of suspected insurgents.

We are deeply concerned by ongoing reports of abuses by Russia-backed separatists in territories in eastern Ukraine, as well as by the occupation authorities in Crimea. Let me be clear: we condemn all abuses regardless of who commits them. We call on all sides to allow for full and transparent investigations into allegations of abuse of human rights. We also are deeply concerned about reports of the use of torture and other abuse against several Ukrainian hostages held by Russia, including Gennadiy Afanasyev and Oleh Sentsov, the Ukrainian film director sentenced to 20 years in jail in August on trumped-up terrorism charges, who has alleged multiple beatings and forced suffocation.

Reports of torture and other ill-treatment by security forces and prison personnel of persons in detention in Uzbekistan continue. We support the OSCE training on prevention of torture conducted in Tashkent, and hope that this is a sign that the government of Uzbekistan is taking action to prevent torture. In the same vein, we encourage the Government of Uzbekistan to allow the International Committee of the Red Cross (ICRC) to follow its own internationally-respected procedures and thus resume prison visits. More than two years ago, the ICRC terminated prison visits after four years because the Government of Uzbekistan prevented it from following its established procedures, thus denying effective monitoring.

We read with interest the government of Turkmenistan’s recent report to the UN Committee Against Torture, and we note with concern its continued unwillingness to consistently allow family members, advocacy organizations, or international observers access to its prison system. Members of civil society have highlighted deplorable conditions and the use of torture and other ill-treatment in Turkmenistan’s prisons. With respect to the cases of several dozen disappeared political prisoners that have been listed by international civil society groups, we urge the government to prove they are alive or provide basic information about their whereabouts since they disappeared.

We are concerned by reports of abuse by police in Armenia during arrest, detention, and interrogation, and in Azerbaijan, there are continued reports of torture and other abuse of persons in custody. We are also troubled by the August 21 death of Bahruz Hajiyev under suspicious circumstances while in custody.

On the issue of capital punishment, while we respect the views of those who advocate for the abolition of or a moratorium on capital punishment, these views reflect differences of policy, not differences about what the rules of international human rights law currently require. As we have noted previously, any decision to eliminate capital punishment must be addressed through the

domestic democratic processes of individual states and be consistent with their obligations under international law. To those who advocate an end to capital punishment in the United States, we again emphasize that the American people, both at the federal level, and in the majority of states, acting through their freely elected representatives, have enacted and continue to maintain laws authorizing the death penalty for the most serious crimes, while legislatures in some U.S. states have chosen to abolish it, most recently in New Jersey, New Mexico, Illinois, Connecticut, Maryland and now, on May 27, 2015, Nebraska.

The United States again emphasizes that capital punishment is not prohibited by international law, when imposed in accordance with a state's international obligations, including the International Covenant on Civil and Political Rights (ICCPR), which specifically recognizes the authority of countries to impose the death penalty for "the most serious crimes," carried out pursuant to a final judgment rendered by a competent court and in accordance with appropriate safeguards and observance of due process. 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 a summary or arbitrary manner. The U.S. Constitution forbids the execution of any person who was under the age of eighteen when a capital offense was committed, as well as any person found to have significant intellectual and adaptive disabilities, applying Supreme Court criteria. Each case is reviewed carefully to ensure that the imposition of the death penalty does not constitute cruel or unusual punishment as prohibited by the United States Constitution.

We believe that greater focus is needed on addressing and strengthening compliance with existing international obligations regarding the application of the death penalty, and 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.