

**HUMAN RIGHTS COUNCIL**

**19<sup>th</sup> session (27 February 2012 -23 March 2012)**

**Item 3: Interactive dialogue with the Special Rapporteur on Torture**

**Oral statement delivered by The World Organisation Against Torture (OMCT),  
a non-governmental organisation in general consultative status**

Madam President, Mr. Special Rapporteur,

The OMCT wishes to thank Mr. Mendez for the presentation of his report to this Human Rights Council focusing on commissions of inquiry.

Independent commissions of inquiry are a powerful tool to address one of the most pertinent challenges to the absolute prohibition of torture and ill-treatment today, the pervasive culture of impunity and lacking accountability in many parts of the world. They are also fundamental for the general public to understand the full spectrum of the abuses committed.

However, commissions of inquiry, whether national, regional or international, are but one method of bringing accountability and cannot replace justice. Experience shows that they are often an important first step that requires political will to follow through implementing its recommendations and ensuring legal responsibility for acts of torture and ill-treatment.

In this regard, the report of the Special Rapporteur provides clear guidance on the standards that should be at the core of each commission of inquiry.

Unfortunately, many commissions are set-up half-heartedly with compromised mandates and composition. In Sri Lanka, numerous mechanisms have followed each other over the last decades creating a perception of addressing serious human rights abuses without, however, breaking the culture of impunity for torture. The Lessons Learnt and Reconciliation Commission (LLRC) is the last point in case. Far from being a sufficient response to systematic and widespread violations of international humanitarian and human rights law during the conflict, it falls short of international standards, with regard to its composition, the lack of a genuine victim-centred approach, and the inability to conduct a thorough investigation into the allegations of war crimes that would break the cycle of impunity.

Madam President,

OMCT seizes this opportunity to reiterate its concern over the persistent lack of accountability for torture and other serious human rights violations in the context of counter-terrorism. Numerous forms of inquiries have seen the light, at times pre-textual or as mere whitewash, at times simply lacking independence and resources. And where they were serious and ground-breaking in bringing abuses to light their recommendations still remain to be implemented.

In the United Kingdom (UK), while the announcement of the “Detainee Inquiry” was welcomed in 2010, it was eventually unable to properly fulfil UK’s human rights obligations. Not only was it secretive, its impartiality compromised, but it also lacked a victim-centred approach. To date, proper investigations ensuring legal responsibility for complicity into torture are still needed in relation to UK’s involvement in torture, rendition and secret detention. The same holds true for the United States of America (USA). In others, such as Canada, the recommendations of the much applauded Arar Inquiry still require implementation.

At the European level, both the Council of Europe and the European Parliament have in difficult circumstances carried out welcome inquiries into the cooperation by European States with the United States with regard to secret CIA flights and secret detention centres. Yet, all of these inquiries have been marked by a lack of follow-up and implementation by states and those institutions affected.

Mr. Mendez,

In your country visits you have been confronted with the question of inquiries into systematic and widespread torture and ill-treatment. What follow-up is required in your view in relation to the events in the South of Kyrgyzstan to ensure accountability?

Madam President,

OMCT also wishes to take this opportunity to urge States to accept outstanding country visit requests by the Special Rapporteur on torture, as well as to cooperate fully with him, including by responding promptly and comprehensively to its urgent appeals, and implement his recommendations.

Thank you for your attention.