

## **World: Press Conference by Special Rapporteur on Torture**

*Forwarded press release by the Asian Human Rights Commission: AHRC-FPR-020-2008*

(New York, October 24, 2008) Though the concept of human rights was now universally accepted, Manfred Nowak, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, today warned that ill treatment was still “widespread”. Indeed, he could not say that conditions of detainees had improved at all in the 60 years since the Universal Declaration of Human Rights had been adopted.

During a press conference at Headquarters this morning, he called the 9 million to 10 million people in detention around the world “forgotten prisoners”, and noted that they were one of society’s most vulnerable groups. While there had been some improvement in the treatment of prisoners in some regions, including in Latin America, where dictatorships had been replaced by democracies, incidents of torture were increasing in many parts of the world.

Though progress has been made in human rights laws, that contrasted with “sobering realities on the ground”. An “implementation gap” existed, possibly caused by a lack of empathy for detainees—“locked up, locked away from society” said Mr Nowak, who addressed the General Assembly’s Third Committee (Social, Humanitarian, Cultural) yesterday (see Press Release [GA/SHC/3926](#)). “Often, society doesn’t want to know what’s going on behind closed doors,” he added.

Having visited Paraguay, Sri Lanka, Nigeria and Togo so far this year, he could attest to the “appalling” conditions in which many detainees were living. Such overcrowded conditions, as well as a lack of access to hygiene, food, healthcare--or sometimes even light--amounted to cruel, inhuman or degrading treatment. He was also concerned that cases of pretrial detention often lasted for years due to poorly functioning justice systems, or because of corruption, lack of resources and the practice of judges relying heavily on the extraction of confessions, which put pressure on the police to extract those confessions by means of torture.

Amongst detainees, those particularly vulnerable were children, gays and lesbians, transsexuals and those with disabilities, who he called “the most forgotten ones”. They were often found in solitary confinement, or in pre-detention facilities without any kind of medical attention or psychiatric care. Minors were also often found under those circumstances, he added.

Stressing that the Convention on the Rights of Persons with Disabilities, which had recently entered into force, should help to ensure the equal rights of such persons in society, Mr Nowak said the main problem was not that persons had a disability, but in how society dealt with them. He expressed hope that the combination of the new Convention and the anti-torture legal framework would result in further achievements, and called for the international community to honour those rights and obligations.

His report to the Assembly this year examined several different forms of detention, including the use of restraints, as in cases when people were held for days in “caged beds”; patients in psychiatric institutions where widespread medical experimentation and coercive treatment was carried out without consent, including forced abortions and sterilization of women and children, and electrode convulsive therapy; domestic violence against persons with disabilities, especially sexual violence and exploitation; and the use of solitary confinement.

Though the solitary confinement was permissible in some cases for a “legitimate purpose” and for short periods of time, solitary confinement on the most part was misused to put pressure on detainees to confess,

and often led to their detainment for “many weeks, months”. Recalling his country visit to Mongolia, Mr Nowak said he had found there that a person sentenced to 30 years in prison might spend all those years in solitary confinement, with only half an hour visits granted twice a year.

In the case of the Republic of Moldova, he said that the death penalty still existed in that country, and prisoners spent 23 hours of their day in complete isolation, with only one hour to walk, alone, outside their cells. That was despite the medical and psychiatric evidence that isolation, even after only a few weeks, might lead to serious mental problems and illnesses. In light of such cases, he called on Governments to review their policies on solitary confinement and to apply the practice only if absolutely necessary for a “legitimate purpose” and for as brief a period of time as possible.

On the other opposite side of the spectrum, he noted that Denmark had a “high level” of prison conditions, as did Greenland, which followed the principle of normalization. Under that strategy, prisoners were targeted for rehabilitation, and life inside prison was as similar as possible to the life they would lead once released.

Mr Nowak urged implementation, “as quickly as possible”, of the recommendations in his report by the United Nations High Commissioner for Human Rights and United Nations Development Programme (UNDP), and for the international community to take the situation of detainees more seriously by monitoring and offering better assistance to them.

Asked whether conditions of detention were worse because of the “war on terror”, he said there was very little correlation. At the same time, however, conditions for terrorism suspects were unacceptable and even “arbitrary” in the case of those being held at Guantanamo Bay. If evidence was lacking, terrorism detainees should be released after a certain period of time. He went on to say that the use of secret prisons was totally unacceptable, equating that practice to crimes of enforced disappearance. Also deplorable were maximum security prisons where individuals were kept in solitary confinement for prolonged periods of time and subjected to “enhanced interrogation techniques” that might amount to torture.

In regards to allegations of abuse by peacekeepers, Mr Nowak stated that, as long as the United Nations did not have a standing peacekeeping capacity, the Organization was reliant on peacekeeping troops from countries which did not have the best human rights situations, with their police involved in human rights violations, such as Pakistan and Nepal. That was important for the protection of the United Nations reputation.

When queried about United States’ detainment facilities around the world, Mr Nowak recalled that, in 2005, a team of special procedures of the United Nations Human Rights Council had called for the immediate closure of the Guantanamo Bay facility. However, he noted that the transfer of those detainees elsewhere would create other problems, with the ensuing risk of torture high.

He said he was concerned because of the number of complaints he had received during interviews with former detainees in Jordan about how facilities of multinational forces were much better than Iraqi prisons or, even worse, detention facilities run by non-State actors. When he had asked the United States and the United Kingdom for access to their prisons in Iraq, the United Kingdom had granted permission while the United States had not.

In terms of future plans, he said the Iraqi Government had offered him a standing invitation, which he was still pursuing. Also, allegations of torture persisted in Afghanistan, but no invitation from that Government had yet been offered. Next month, he was scheduled to continue his fact-finding work with a visit to Equatorial Guinea.