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SPECIAL RAPPORTEUR ON TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Keynote address

"The case against backsliding on the torture ban"

2 October 2015

London, UK

Good evening Ladies and Gentlemen,

Introduction

It is my pleasure to be with you this evening and I would like to thank the organizers, Freedom from Torture for the opportunity to address a subject matter that regrettably remains a force in our society, the practice of torture.

From onset of my mandate five years ago I have counted on support from Freedom from Torture in many ways and I know that my successor in a year's time can count on the very professional expertise of all members of Freedom from Torture.

Despite the international safeguards the practice of torture continues

All States have an international legal obligation to take effective legislative, administrative, judicial and other measures to prevent torture. However, in recent years there is a real sense that States have taken a step backwards on enforcing these international principles. The practice of torture is still used in many States and in some States is a widespread practice. There are a number of factors behind this regression.

Namely, there is a generalized sense, fueled by popular culture, that torture is inevitable; that someone has to do it. It may be ugly but it produces results and therefore we must tolerate it or at least look the other way because it makes us feel safe. This is based on a false picture of how torture actually happens - and ignores the steep price societies pay for engaging in torture.

It is in this context, some States have attempted to dilute cardinal principles necessary to preventing and suppressing torture and ill-treatment, or have become complicit in acts of torture, under the rubric of fighting the so-called "War on Terror" in the aftermath of September 11, 2001. Since then, there has been a rise in the use of torture and ill-treatment and an increase in the practice of indefinite detention in the name of national security and counter-terrorism, amounting to a deliberate undermining of the absolute prohibition of torture.

The torture ban has been further eroded because national legal frameworks are deficient and do not properly codify torture as a crime with appropriate sanctions. Nor do they. Torture persists because national criminal systems lack the essential procedural safeguards to prevent its

occurrence, to effectively investigate allegations and to bring perpetrators to justice. Torture remains entrenched in many States because of a climate of tolerance of excessive use of force by law enforcement officials during civil protest.

A culture of impunity evolves. The instability this creates cannot be contained within national borders and thus impacts entire regions, which has resulted in the latest international crisis.

The most recent factor for the backsliding on the torture ban is the "security heavy" response to the worldwide upsurge in irregular migration and the perceived threat of irregular migrants and refugees. Many of those fleeing may have suffered traumatic events in their country of origin or during their journey and need immediate support and care. It is vital that States ensure that people are individually assessed and identified, especially including on their need for protection. This identification is essential to avoid exposing them to further trauma, ill-treatment or being forcibly returned, to prevent, as far as possible, irreversible physical and psychological harm.

Prevention of Torture

The prohibition against torture and other cruel, inhuman or degrading treatment or punishment enjoys the enhanced status of a *jus cogens* or peremptory norm of general international law and requires States not merely to refrain from authorizing or conniving at torture but also to suppress, prevent and discourage such practices. States have not only the obligation to "respect", but to "ensure respect" for, the absolute prohibition against torture.

The existing international legal framework provides a broad range of norms and standards with an ultimate aim to prevent acts of torture and ill-treatment. Some are explicitly listed. In addition to the preventive obligations explicitly enlisted in the Convention against Torture (CAT), such as the prohibition of *refoulement* (Article 3), the prohibition of invoking evidence extracted by torture in any proceedings (Article 15), the obligation to provide education and training to law enforcement and other personnel (article 10), to systematically review interrogation methods and conditions of detention (Article 11), to investigate *ex officio* possible acts of torture (Article 12) and to the obligations relating to the criminal prosecution of perpetrators of torture (Article 4 to 9). In addition, the umbrella clause in Articles 2(1) and 16 (1)

require States parties also to take other effective measures aimed at preventing torture and other ill-treatment. This means that the obligation to take effective preventive measures transcends the items enumerated specifically in the Convention. Article 2, paragraph 1, provides authority to build upon subsequent articles referring to specific measures known to prevent acts of torture and other ill-treatment and to expand the scope of measures required for such prevention. Thus, States must take effective preventive measures, including by good-faith interpretation of the existing provisions, to eradicate torture and ill-treatment.[1]

Extraterritorial Application

My upcoming report to the General Assembly which I will present in three weeks, will focus on the extraterritorial application of the prohibition of torture and ill-treatment and States obligations under international law. States must take effective measures to prevent acts of torture in "any territory under its jurisdiction," which, as per General Comment No. 2, includes "all areas where the State party exercises, directly or indirectly, in whole or in part, de jure or de facto, effective control."

Extraterritoriality of application of the Convention Against Torture is key to the prohibition of torture. An overtly narrow reading of the jurisdiction, as the US attempted in the early years after 9/11, lead to an interpretation of the treaty which is against its purpose. For that reason in its latest periodic report to the Committee against Torture in November 2014 the US government returned to its commitment to apply the Convention to actions of US agents wherever the actions are committed.

The fundamental principle of universality must be upheld so as not to undermine the absolute prohibition on torture, inhuman and degrading treatment and punishment (imported into UK law through the HRA). There are risks that the absolute prohibition and protections for torture survivors being watered down if the Human Rights Act (HRA) is replaced with a British Bill of Rights. What that bill of rights will eventually provide for has yet to be decided. In a democratic society a robust debate will and must ensure that whatever reform is implemented will not be a regression.

[1] Committee against Torture, general comment No.2, para. 25.

Universal jurisdiction

Although articles 2, paragraph 1, and 16, paragraph 1, of the Convention and article 2 of the Covenant on Civil and Political Rights (ICCPR) contain a jurisdictional limitation, it is clear that the obligation to take measures to prevent acts of torture or other ill-treatment includes actions that the State takes in its own jurisdiction to prevent torture or other ill-treatment in other jurisdictions. As I have explored in my Human Rights Council report of March 2014, the prohibition of torture and other ill-treatment requires States to abstain from acting within their territory and spheres of control in a manner that exposes individuals outside of their territory and control to a real risk of such acts. The fact that torture or other ill-treatment would occur outside the territory of the State in question and not under the direct control of its agents does not relieve the State from responsibility for its own actions that effectively contribute to torture.

There are assaults on the principle of universality when it is suggested to restrict access to certain human rights based on nationality or immigration status. All persons need to be treated in accordance with accepted international standards and afforded the same standards of protection against violations of the Convention against Torture, regardless of how or when they arrived in a country or how they came to be under that State's effective control. Universality is a fundamental principle of human rights and there would be very grave international implications if a State makes "human rights" contingent on citizenship/immigration status.

Specific preventive measures

Customary international law as codified in the Convention against Torture and the Optional Protocol contain a broad range of very specific positive State obligations aimed at preventing and combating torture.

I have identified ten procedural safeguards which, if adequately implemented by States, could prevent further backsliding on the torture ban: 1. abolition of secret detention; 2. abolition or tight regulation and control of incommunicado detention; 3. proper registration of every detainee from the moment of arrest or apprehension; 4. prompt access to legal counsel from the moment of arrest and access to relatives; 5. video/audio recording of all interrogations; 6. prompt

access to an independent judge with powers to rule on the legality of arrest and the conditions of detention; 7. strict respect for the presumption of innocence; 8. prompt and independent medical examination of all detainees; 9. prompt, impartial and effective investigation of all allegations or suspicions of torture *ex officio*; and 10. effective training of all officials involved in the custody, interrogation and medical care of detainees.

The degree to which these safeguards are observed or violated in other countries, from where the migrants come, should be considered in the receiving State in making determinations about their status or their preservation from return.

I take this opportunity to highlight the recent work of the Working Group on Arbitrary Detention which presented the 'UN Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of their Liberty by Arrest or Detention to Bring Proceedings before Court." before the Human Rights Council session this month. This new protection tool compiles and complements the existing norms of international law, standards and jurisprudence and is an essential contribution to the protection of any person against arbitrary detention, including secret detention, prolonged incommunicado detention, enforced disappearances, and torture.

The exclusionary rule

Last year, my interim report to the General Assembly examined the exclusionary rule and the use of torture-tainted information. I identified State practices regarding this matter and elaborated on the rationale and scope of the exclusionary rule as contained in Article 15 of the Convention in relation to formal proceedings and on the use of information likely obtained by torture or other ill-treatment by executive agencies, not in "any proceedings" but in collecting, sharing and receiving such information between States during intelligence gathering or covert operations. Since the prohibition against torture and other ill-treatment is absolute and *non-derogable*, under any circumstances, States have a duty to prevent torture. The exclusionary rule must therefore also be absolute, including in respect of national security.

Since the "war on terror", executive agencies have been under extreme pressure to obtain information in order to protect their citizens. Many States refuse to subject the work of their intelligence and security agencies to scrutiny or international oversight. Similarly, domestic courts follow this lead and reject motions to submit these executive practices to judicial review, even when the issue is the absolute prohibition of torture.

I call on States to restrain from creating a market for the fruits of illegal and abhorrent interrogation practices by collecting, sharing or receiving information obtained by torture or other cruel, inhuman or degrading treatment or punishment. It is not sufficient to ensure that the judicial process is free from the taint of torture; torture must not be encouraged, condoned, or acquiesced in through all manifestations of public power, executive and judicial.

A recent Surveillance Commissioner's report in the UK proposes adopting consolidated guidance that could water down safeguards that agencies and the Ministry of Defence are supposed to have in place when putting questions to detainees in States where it is known that authorities engage in torture. Interrogating while someone else tortures is a form of aiding and abetting a crime and it certainly violates the overall obligation to prevent torture.

The standards of the exclusionary rule should be interpreted in good faith and applied by way of analogy to executive actions that purposely and objectively promote torture by taking advantage of its results, including the collection, sharing or receiving information obtained by torture or other ill-treatment, even if not used in "proceedings" narrowly defined. Torture-tainted information, even when not intended to be used in court proceedings, must be treated in the same way that a court would treat evidence obtained by torture or other ill-treatment.

Judges and prosecutors must routinely ask persons arriving from police custody how they have been treated, and to order an independent medical examination in accordance with the Istanbul Protocol if they suspect that detainees have been subjected to ill-treatment. I also urge court officials to initiate an ex-officio investigation if there are reasonable grounds to believe that a confession was obtained through torture or ill-treatment. Similarly, authorities controlling port of entries/border crossings who are trying to process irregular migrants or refugees should routinely ask persons how they have been treated, and to order an independent medical

examination in accordance with the Istanbul Protocol if they suspect that individuals have been subjected to torture or ill-treatment.

If the aim is to discourage torture, we must apply the exclusionary rule not only when the victim succeeds in "proving" torture, but in all cases in which safeguards against mistreatments have been violated, as in arrests without probable cause, or arrests and searches without warrant. Similarly, evidence that must be ruled inadmissible should not be restricted to the confession or Statement directly obtained through torture, but to all other means of evidence to which the torture has led, even if regular procedures were later respected. To this end, a strict adherence to this most fundamental of rules is essential.

The exclusionary rule should not only apply to judicial and administrative proceedings, but also interpreted to apply to intelligence-gathering and to operational decisions by the executive branch and its agencies. I have called attention to the serious concern raised by the tendency to use information gathered in violation of the prohibition on torture for purposes other than criminal prosecution. The objective of the exclusionary rule is to discourage the use of abject methods of interrogation; if we leave open the possibility of other uses for the information, we are offering a powerful incentive to the torturer.

The Non-refoulement provision

An important obligation under the overarching aim of preventing torture and other ill-treatment is the customary *non-refoulement* provision as contained in Article 3 of the CAT, which clearly States that States cannot expel, extradite or return a person to a place where he or she could be in danger of being subjected to torture, even outside the territory and control of a State. In order to satisfy this obligation States must also provide an effective remedy against the decision to transfer the detainee, which means that the decision needs to be known and subject to judicial scrutiny.

The *non-refoulement* obligation is a specific manifestation of a more general principle that States must ensure that their actions do not lead to a risk of torture anywhere in the world. There is a clear negative obligation not to contribute to a risk of torture.

Because of the importance of this rule, diplomatic assurances do not release States from their *non-refoulement* obligations nor are they necessarily the best way to prevent torture. Indeed, diplomatic assurances have been proven to be unreliable, and cannot be considered an effective safeguard against torture and ill-treatment, particularly in States where there are reasonable grounds to believe that a person would face the danger of being subjected to torture or ill-treatment. I regard the practice of diplomatic assurances "as an attempt to circumvent the absolute prohibition of torture and *non-refoulement*".

Likewise, diplomatic assurances do not release States from their *non-refoulement* obligations, nor are they necessarily the best way to prevent torture and refoulement. The Committee Against Torture, the Human Rights Committee and the European Court of Human Rights (ECtHR) have stressed the absolute nature of the *non-refoulement* provision in the CAT, a prohibition that does not depend on the guilt or innocence of the person who risks being tortured if deported or extradited to certain places. Those bodies have not ruled that diplomatic assurances are intrinsically wrong as a means to avoid the *non-refoulement* rule, but they have stressed that diplomatic assurances do not relieve the sending State from its due diligence to ensure that torture does not follow.

The significance of the principle of *non-refoulement* as set out in the Convention against Torture is that it applies to all, even people who may not qualify as refugees or asylum seekers. States must separately assess the risk of torture and refrain from deporting anyone to a place where he or she would be at risk of torture.

There should not be a threshold before someone can claim violation of the ban on torture and CIDT in the court of a receiving country by raising the bar of the burden of proof that an immigrant must meet to apply for protection against removal. There must be no "loosening of standards" such as judicial guidance that could introduce an evidential threshold before someone can bring a claim which could restrict or have implications on the meaning of "inhuman and degrading treatment".

There is a real risk of diminished protection against removals in the context of torture due to the introduction of judicial guidance or other policies that dilute the absolute nature of the ban in removals cases.

It is being contemplated that for the purposes of removals, Article 3 ECHR be replaced with Article 3 UNCAT. This seems to be intended to (a) remove CIDT from the ambit of this protection; (b) lead to a more restrictive approach to the question of State or non-State involvement (or, more to the point, not) in torture because a torture definition requires a State agent and this might lead to people being returned to a territory for example to an ISIS controlled area because ISIS is not a State. There is also an agenda to remove the ability of people to rely on the Article 6 argument against removals developed by ECtHR in the Othman ruling that removal would violate fair trial rights where the trial would be based on torture evidence.

It is also a matter of deep concern the UK's refusal to accept the right of individual petition under UNCAT – this is very important in a context where Government is seriously trying to remove the right of individual petition to ECtHR as a means to "break the formal link between British courts and the European Court of Human Rights and make the UK Supreme Court the ultimate arbiter of human rights matters in the UK".

The right to petition to the international organs of protection is a fundamental feature of the architecture of international human rights and it would by itself be a serious setback to the progressive development of abuse everywhere. In the case of torture it would be deplorable if the UK wrote itself off from international scrutiny, especially as the UK does not allow individual petition to the Committee Against Torture.

OPCAT - Inspection of places of detention

The Convention Against Torture Initiative (CTI) was launched in 2014 to mark 30 years since the adoption of the Convention aims to help all States achieve universal ratification and to put the Convention into concrete practice. Thirty-eight Member States of the United Nations have still not ratified the Convention against Torture. Of the 157 States that have, many still face challenges of living up to their commitments regarding implementation – which means many States are at risk for backsliding on the torture ban.

Regular and unannounced inspections of places of detention is one of the most effective preventive measures against torture and ill-treatment. It can ensure the adequate implementation of safeguards against torture, create a strong deterrent effect and provide a means to generate

timely and adequate responses to allegations of torture and ill-treatment by law enforcement officials through a process of monitoring, reporting and correction. In this context, it is important that States adopt the revised Standard Minimum Rules for the Treatment of Prisoners (SMRs) to be known as the "Mandela Rules" at the General Assembly later this year.

Forensic science

Furthermore, the work of a forensic scientist is germane to the efforts to address impunity for acts of torture. Forensic expertise ensures that torture traumas, whether visible or invisible, physical or mental, are scrupulously documented before they disappear. Similarly, the corroborative effect of this professional opinion, and its role in assessing the overall credibility of alleged victims, provides a stronger evidentiary basis for prosecution, it also enhances the possibility to receive immediate medical and other assistance and, in the longer term, other forms of redress and reparation.

Medical records can be instrumental in overcoming the loss of objective physical evidence with which survivors of torture are so commonly confronted, given that torture mostly takes place without witnesses.

During fact-finding missions I have called upon the authorities to ensure timely forensic examination of persons alleging ill-treatment and ensure that medical staff in places of detention are independent from the organs of criminal justice administration, by calling for them to be placed in the Ministry of Health; and providing training for the forensic medical services in the medical investigation of torture and other forms of ill-treatment.

Forensic science also has another use. It provides a much sounder and more effective way to investigate crime and successfully prosecute offenders as scientific methods are a far more effective way to obtaining accurate convictions and reducing criminality than the brutality of interrogation under torture can obtain, in addition to being prohibited.

Science-based independent forensic expertise is also crucial to an objective determination of claims of refugees and migrants that they must be returned to a place where they will be at risk of torture.

Accountability

In December 2014, I welcomed the release of the executive summary and conclusions of the Senate Select Committee on Intelligence (SSCI) on CIA interrogation practices. The report contributes to fulfilling the obligations of the United States with respect to the truth and is an important first step towards fulfilling other obligations under the Convention against Torture, namely to combat impunity and ensure accountability, by investigating and prosecuting those responsible. The serious abuses detailed in the report constitute basic violations of international human rights law for which the perpetrators *must* be prosecuted and punished in accordance with international law.

The US Government's failure to uphold its international obligations is inviting other States to follow this example of impunity. It is providing abusive regimes a ready-made excuse for rejecting the international community's concerns about their own records of torture. As long as those responsible for torture evade accountability, would-be torturers will believe that they can, too.

Early in my tenure as a Special Rapporteur I was encouraged by the announcement that the United Kingdom would commission an enquiry into the role of UK agents in detention and abusive interrogation in the so-called global "war on terror". As you know, the Gibson Commission of Inquiry was later shelved, presumably to allow criminal investigations and enquiries to proceed without interference.

The UK Government has still not delivered a proper truth-telling and accountability process to get to the bottom of allegations of complicity in torture and extraordinary rendition in the context of the response to 9/11. Like the aborted Gibson Inquiry before it, I am concerned that the current investigation by the Intelligence and Security Committee (ISC) is structurally unable of discharging the United Kingdom's obligations to deliver an independent, effective, thorough and impartial investigation into these serious alleged violations based since there are serious questions regarding the composition of the Committee and its restricted mandate. I await the report of The Intelligence and Security Committee (ISC) to see if one of the recommendations may be the call for another judicial inquiry,

My comments at the time of the Gibson Inquiry are still relevant today. Based on my experience, "the only way to deal with the cancer of torture is to fully root it out with a wide-ranging, independent and fully public inquiry". When used properly, a commission of inquiry can be a powerful tool and can play a complementary role vis-à-vis other investigative mechanisms in ensuring accountability of State institutions and compliance with international human rights law. It also provides unique opportunities for a deeper understanding of the underlying context in which violations were committed, a review of governmental policies, practices and institutional shortcomings, and truth-telling.

My report on Commissions of Inquiry to the Human Rights Council (A/HRC/19/61) highlights the integral role of Commissions of Inquiry in providing impetus and eventually facilitating the formal investigation of torture and other forms of ill-treatment, and pave the way to effective and fair prosecutions which States are obligated to undertake.

There are many other States that require the world's attention, most notably and urgently, the deepening nightmare that is Syria and Libya where the prohibition of torture is not recognized since impunity appears absolute.

I hope therefore that the Foreign Office of the United Kingdom will exert constructive influence over several States that have blemished records on torture and ill-treatment.

A State that is overlooked because it has no geo-political value is The Gambia. During my joint visit with the Special Rapporteur on Summary Executions in November 2014, I found the practice of torture was prevalent and routine, in particular by the National Intelligence Agency during the initial stages of detention. The Government of the Gambia should not be allowed to get away with violating the terms of reference of our mission while we were already in the country.

Bahrain remains a country that requires careful monitoring. My planned visit to the country was been twice cancelled unilaterally by the government and it has now effectively shut down any engagement with my mandate. I continue to receive allegations of torture and ill-treatment.

The recent Sri Lanka Report of the OHCHR Investigation on Sri Lanka (OISL) (A/HRC/30/CRP.2) documented horrific level of violations and abuses including extrajudicial killings, enforced disappearances, torture and systematic sexual and gender based violence at the end of the armed conflict with the Tamil Tigers and found the State has failed to comply with its international obligations.

I support the UN High Commissioner for Human Rights call for the formation of a mixed special court in order to address the grave human rights violations and institutionalized impunity. The UK has, to its credit affirmed the importance of involvement of the "Commonwealth and other foreign judges, defence lawyers and authorized prosecutors and investigators".

I welcome the recent visit by the Special Rapporteur for Truth, Justice, Reparations and Special Measures to Avoid Repetition as well as the upcoming visit by the Working Group on Enforced Disappearances in November and hope the Government of Sri Lanka will consider inviting me for an official visit to help lay the groundwork to address key obstacles in establishing an environment to support the challenging process of transition towards accountability and justice.

Saudi Arabia must be encouraged to review its policies with respect to the death penalty and corporal punishment and to face its obligations to co-operate with United Nations Special Procedures now it has succeeded in getting elected to the Presidency of the Human Rights Council.

Redress

In my first report to the Human Rights Council as Special Rapporteur, I outlined the importance of applying a victim-centered legal framework to my mandate. I welcome the term "survivor approach" which acknowledges those who have been tortured and resisted and have the strength to share their experiences. Survivors of torture should have a role in determining an integrated, individualized and long-term approach to ensure adequate redress and reparation, including compensation, rehabilitation (broader than only medical) for themselves, their families and their reintegration into their community or integration into a new society if they cannot be returned.

General Comment No. 3's interpretation of Article 14 of the Covenant contributes to the evolution on right of redress and defines the scope to include "as full rehabilitation as possible" and ensures a comprehensive approach to redress for victims of torture and cruel, inhuman or degrading treatment. It also reminds States of the obligation to ensure that rehabilitation procedures are gender-sensitive, must avoid re-victimization, and apply equally to marginalized/vulnerable persons.

A survivor-centered approach includes survivor participation in investigations, truth seeking and prosecutions as an important measure of the "due diligence" standard that applies to the good faith application of human rights obligations by States. It is important that survivors be entitled to initiate and to participate actively in such procedures of accountability.

Access to rehabilitation programs should not be dependent on the victim's pursuit of judicial remedies. International law imposes on States an obligation to prevent torture. When this obligation is not met, it is the States' obligation to provide redress by first conducting the necessary investigation and prosecutions, but also by putting into place all the legislative, judicial and administrative measures and institutions that will ensure access to remedies, reparations and rehabilitation and also by removing all obstacles to that access, legal or otherwise. Failure to comply with these obligations constitutes a violation of article 14 of CAT because access to redress is not sufficiently assured.

Long term rehabilitation measures, which are often provided by special torture rehabilitation centers, are cost intensive, and the respective costs should ideally be borne by the individual perpetrators, their superiors and the authorities responsible for human rights violations.

In my experience, I have observed that States usually fail to institutionalize basic principles regarding redress to victims, as this is one of the areas where States often lack the political will.

Role of collaboration at the national, regional and international level

To prevent backsliding on the torture ban requires the coordinated effort of various actors. At the national level, judges, lawyers and prosecutors play a critical role in the prevention

of torture, including with respect to arbitrary detention, due process safeguards and fair trial standards, and bringing torturers to justice.

Medical rehabilitation centers are key actors to inform, train and mobilize doctors, lawyers, journalists and other professionals in order to support victims and disseminate information about cases of torture and initiate programs of survivor activism. These centers are at the forefront of trying to stop regressive measures on the torture ban and can play an important role in identifying strategies and reforms to address the systemic failures which breed impunity. These centers must be supported as an overwhelming majority of torture survivors do not have any access to adequate treatment.

I stress the need to contribute to the strengthening and cooperation of all mechanisms of supranational monitoring, especially those like the ECtHR and other regional bodies that issue binding decisions. Attempts at retreating from these institutions like the IACHR and the UN Human Rights Committee, (Jamaica, Trinidad and Tobago, Peru, and most recently Venezuela) have always resulted and been linked to context of reducing protection of victims of human rights abuse.

Implementation at an international level is also critical. Mechanisms such as periodic State party reviews of the Committee against Torture (CAT) and the Universal Periodic Review (UPR) by the Human Rights Council process must be effectively used to have States report on steps undertaken to realize redress for victims of torture and to ensure follow up on recommendations made by these bodies.

Conclusion

In conclusion, if States effectively implement national preventative measures and take affirmative steps to enforce their obligations, torture could be eradicated in today's world. Through standard setting an important normative framework on torture has been achieved at the international and regional level, the burden rests on national governments to acknowledge and implement embrace the legal norms they have obligated themselves to uphold.

Backsliding is not an option, measures that permit torture or tend to make a State complicit in failing to stop torture by other States must be challenged. Every effort must be made to prevent further erosion of fundamental human rights principles.

I reiterate my strong conviction that the abolition of torture in law and practice is a goal that we can and must achieve. It is essential to regain a universal moral condemnation of torture that we had before 9/11 2001 and counter fallacious arguments about the "inevitability" or "necessity" of torture as well as the argument that it works. Torture diminishes the worth and dignity of victims, our institutions, and of our entire society, and it is up to us to recognize the essential moral imperative to prohibit torture and to fight against its use, and for accountability everywhere.

I would like to again thank Freedom from Torture for giving me this opportunity to address the importance of not backsliding on the torture ban.

I know that you are about to conduct a very gallant and important fight to preserve the protections that the UK has always given to torture victims everywhere and in this endeavor please count on whatever help this Special Rapporteur on torture can give.

I thank you for your attention, and look forward to responding to your questions or comments.