

Pakistan

**DRAFT OIC COMMENTS ON THE ID WITH THE SPECIAL
RAPPORTEUR ON PROTECTION OF HUMAN RIGHTS WHILE
COUNTERING TERRORISM AND THE SPECIAL
RAPPORTEUR ON TORTURE**

Mr. President,

I have the honour to make this statement on behalf of the member states of the OIC.

Mr. Martin Scheinin,

The OIC thanks the Special Rapporteur on Protection of Human Rights and Fundamental Freedoms while countering terrorism for his report. The report focuses on the compilation of 10 areas of best practices for countering terrorism in full compliance with human rights. We believe this is an important exercise. There are many useful elements in the compilation which states can consider and further build upon. Others require further debate and fine tuning.

We concur with the SR when he states that when states derogate from full application of certain rights and freedoms in exceptional circumstances they should ensure that this does not involve discrimination solely on the grounds of race, colour, sex, language, religion or social origin. With regard to arrest and interrogation of terrorist suspects, we fully agree with the SR that people arrested or detained on suspicions of terrorism must be given the benefit of legal assistance of their choosing and must be informed of that right. Similarly, we concur with his observation that the prohibition against torture is absolute and non derogable and applies to the treatment of any person within the power and effective control of the state, even when not situated in the territory of the state.

The SR has attempted a definition of terrorism. We would like to emphasise that a comprehensive definition of terrorism would be one which included terrorism in all its forms and manifestations.

We believe that other important areas where best practices could also be identified are international cooperation, capacity building and technical assistance. Terrorism is a common threat to all states and we must build on opportunities to help and assist those most affected by this problem to deal with it effectively.

Mr. President,

We would also like to take this opportunity to thank the SR on Torture, Mr. Juan E. Mendez for his report. We agree with the SR that the brutal nature of torture requires that all parties work quickly and effectively to address issues of mutual concern.

The OIC fully supports the SRs observations concerning the important role played by forensic and other sciences in eradicating the use of torture. We welcome his call to states to continue working with the relevant international organisations to ensure capacity building and technology transfer in this field.

As regards the recommendation that the "exclusionary rule" should be interpreted to also apply to intelligence and decisions by the executive and its agencies, it is important to recall that in the case of states that are facing and fighting against terrorism and terrorist attacks on an almost daily basis, the governments primary obligation is to protect its citizens from these attacks and therefore the implications of this recommendation need to be further examined and a balance maintained between the responsibility of the state to ensure the safety and security of its citizens and the application of the exclusionary rule.

I thank you