

EMBARGOED UNTIL THU 17.11.16, 16.00 CET
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Commemoration of the 10th Anniversary of the SPT

Panel 2

Introduction by Moderator Víctor Madrigal-Borloz, member of the SPT

Excellencies, colleagues and friends,

Every year, in a rather peculiar contest, the Oxford Dictionaries choose a word from a list of a dozen or so. The “word of the year”. This year, that word is “post-truth”, an adjective describing circumstances in which emotional appeals are much more influential in shaping public opinion than facts and evidence. Apparently, the frequency of its usage increased two thousand fold in 2016 and many, or a least a high-brow bunch at Oxford Dictionaries, thinks that “post-truth” is indeed the trademark of our times.

I am of the opinion that post-truth is a dangerous proposition. It invites us to overcomplicate the expression of our problems, and to oversimplify the solutions. In a world of post-truth, we “have never been worse” or “at such peril”, all of our problems are the cause of “the others”, and “the others” have never been less worthy of respect, compassion or solidarity.

Empathy is an essential element in the prevention, and indeed in the eradication, of torture. In a world of post-truth, migrants and asylum seekers are all suspected of terrorism, the problems of society exist because LGTBI persons are protected from discrimination and violence, and ticking bomb scenarios are ready to materialize any second of every day in every detention place in every country. Empathy has no place in a post-truth world.

This context is fitting to reflect on the reasons why we commemorate the decade of the extraordinary achievements that are the OPCAT and the SPT. The reason why we are here today is to learn from our history.

My colleagues and I, at SPT, stand in the shoulders of giants. Visionary giants like Jean-Jacques Gaultier, who imagined monitors going into the darkest corners of human aberration. Strong willed giants like Elizabeth Odio-Benito, who knew when, how, and why to present an ultimatum. In time, their ranks will include the dedicated, like our President Malcolm Evans, who I have personally known to be available for SPT business at every hour of every day of the year.

We also follow in the footsteps of all of our predecessors. 10 years ago, they set the principles for the work of the SPT. They guide us until today. Thanks to them, we know that our conclusions must be based on rigorous analysis and be factually well grounded. That recommendations must be tailored to offer the greatest practical guidance possible. That focus must be placed on issues that are the most pressing, relevant and realizable. In other words, that we must place the work of SPT in the realm of truth.

Our predecessors also guided us to understand that effective domestic mechanisms of oversight, including complaints mechanisms, form an essential part of the apparatus of prevention. Some will be internal, others will provide external scrutiny, whilst others will provide wholly independent scrutiny, such as the National Preventive Mechanism (NPM).

In this equation, great emphasis was placed in the creation of a cooperative triangular relationship between States, NPMs and the SPT. This is a triangle that does not establish a hierarchy. The Optional

Protocol is sui generis when creating an unprecedented set of relations within public international law: the advisory nature of the SPT, which allows it to visit State parties without announcing or requesting acquiescence. The confidential nature of its work, which creates a unique space of dialogue and trust between SPT and the State. All of my colleagues and I have benefited and learnt so much when working in that space with States represented here today. Most unique, the direct and confidential relations established between the NPM and the SPT, and the NPM and the State. This triangle is an achievement of imagination and legal dexterity.

Here today, I have the honor to be surrounded by six authorities in describing this relation.

His Excellency Walid Doudech, Ambassador of Tunisia and former Chief of Staff of the Minister for Foreign Affairs of Tunisia;

Ms. Helga Fastrup Ervik, who is currently head of the National Preventive Mechanism (NPM) at the Norwegian Parliamentary Ombudsman after a very distinguished career in the field of human rights, that includes being the Head of department at the Norwegian Directorate for Children, Youth and Family Affairs, and has also worked in the Department for UN, Peace and Humanitarian Affairs at the Norwegian Ministry of Foreign Affairs, the last four years as deputy head of the Section for Human Rights and Democracy;

Mr. Nils Melzer, Special Rapporteur on Torture. Mr Melzer is Human Rights Chair of the Geneva Academy of International Humanitarian Law and Human Rights. Legal Adviser, Delegate and Deputy Head of Delegation with the International Committee of the Red Cross. Research Director of the Swiss Competence Centre on Human Rights of the University of Zürich and Swiss Chair for International Humanitarian Law at the Geneva Academy;

Dr. Mykola Gnatovskyy, President of the European Committee for the Prevention of Torture, professor of international law at the Taras Shevchenko National University of Kyiv, and author of many publications on international humanitarian and human rights law, as well as international criminal law;

Ms. Laura Dolci-Kanaan, Representative of the Voluntary Fund for Victims of Torture, an officer of long standing with the United Nations almost 20 years of working experience with the United Nations, both at Geneva and New York headquarters and in the field, where she served in the peacekeeping operations in Bosnia and Herzegovina and Kosovo. She currently manages the Office's two Humanitarian Trust Funds, the UN Voluntary Fund for Victims of Torture and the UN Voluntary Fund on Contemporary forms of Slavery, which supports direct assistance to thousands of victims of torture and modern slavery yearly;

Ms. Lorena Gonzalez Pinto is a member of the SPT. I met Lorena at some point of her two decades at the Inter-American Institute for Human Rights, where among many other things she directed the human rights education of a whole generation of defenders from the 35 countries of the Americas, and she was a key player in the development of the OmbudsFund, the Ombudsnet and other innovative programs of support and development of National Human Rights Institutions. She is also the Director of the UNESCO Chair of the LaSalle University and a member of the Human Rights Commission of the Lawyer's Bar of Costa Rica.

With our thanks for their generosity in joining us, please allow me to give the floor to His Excellency Ambassador Doudech.