

INTERNATIONAL CONFERENCE ON THE PREVENTION OF TORTURE AND OTHER ILL-TREATMENT

Opening Remarks

*Dean Claudio Grossman and Mark Thomson**

DEAN GROSSMAN

GOOD MORNING. I WOULD LIKE TO WELCOME ALL OF YOU TO TODAY'S INTERNATIONAL CONFERENCE ON THE PREVENTION OF TORTURE AND OTHER ILL-TREATMENT. This conference takes place as part of American University Washington College of Law's (WCL) annual Founders' Celebration. For those of you who are not familiar, WCL was the first law school in the world founded by women, in 1896, during a time when women were largely barred from attending law schools and participating in legal practice, purportedly because, at the time, women were considered "by nature" unsuited to understand the complexities of the law. WCL's two founding mothers, Ellen Spencer Mussey and Emma Gillett, thought that an essential component to achieving gender equality, and thus a better society, was the creation of an educational institution that would educate lawyers, without regard to gender, about the important values of the rule of law.

A very relevant outgrowth of their message is the idea that if human beings can imagine a better society, we should not be afraid to fight what is regarded as "the conventional wisdom of the time." We also need to be aware that because of the perfectibility of democracy and its institutions, we have an essential role to play in bringing about positive change. In pursuing this vision of a better society, our task is facilitated by the universality of basic human rights. This universality provides a powerful narrative that the responsibility for the promotion and protection of human dignity is shared by everyone. Our founding mothers demonstrated a deep understanding of the value of universality, and provided expert advice in support of the struggle of women in other countries.

Inspired by this compelling message, WCL organizes over 60 conferences each spring during our Founders' Celebration, attracting more than 5,000 lawyers, judges, activists, students, and educators, among others, to explore the fundamental issues of our time. We are honored today to cosponsor this important event on the prevention of torture and other ill-treatment, as part of the 2009 Founders' Celebration, with the Association for the Prevention of Torture (APT). APT is a leading non-governmen-

tal organization that has contributed to the prevention of torture since 1977. Through its many activities, APT has stressed, for example, the value of unannounced visits, the constant need for training, and the critical role of exchanging experiences through conferences such as today's, to ultimately achieve the commonly-held goal of a world without torture.

In the past, law schools were the only ones teaching, conducting research in the legal field, and storing the results of their research in libraries. Now, however, other institutions also contribute to the training and research in the legal realm. In today's increasingly interconnected world, artificial barriers present an obstacle to, and conspire against, the possibility to be more effective. For these reasons, joint projects between academia and civil society organizations, such as this conference, become very relevant, as they bring together different perspectives and experiences that work toward achieving the common goal of preventing torture.

Through our collaboration with APT, we have been able to convene top experts and renowned scholars and practitioners today to explore and contribute to that collective goal. The multidisciplinary expertise and the different backgrounds of the participants create a unique environment to explore the numerous issues involved: the legal, cultural, and political aspects involved in torture prevention.

The message of WCL's founding mothers continues to be valid today and serves as an important source of inspiration for the promotion of human rights. Their own belief in the value of the rule of law and in the role that lawyers could play in its realization applies just as forcefully to the prevention of torture as it applies to the struggle for gender equality. Their idea that all of us share a universal language of dignity also finds a direct application here as we understand that irrespective of geography, culture, politics or backgrounds, we recognize the commonality of all human beings.

I want to thank the experts who are here. We tremendously value your presence and we look forward to your participation. Let me also say that we are very much indebted to Jennifer de Laurentiis, who coordinates WCL's United Nations Committee Against Torture Project. We would not be convened here today if not for her dedication and participation. I want also to thank our law students. Our *Human Rights Brief*, which will publish a special issue with the conference proceedings, is a superb example of their professionalism and commitment to human rights.

* Claudio Grossman is the Chair of the UN Committee Against Torture and Dean at American University Washington College of Law in Washington, DC. Mark Thomson is Secretary General for the Association for the Prevention of Torture in Geneva, Switzerland.

Without further ado, I would like to invite Mark Thomson, APT's Secretary General, to the podium. Again, I want to thank APT and Mark, personally, for what we will all accomplish today.

MARK THOMSON

LET ME START WITH A FEW WORDS OF THANKS. ON BEHALF OF THE ASSOCIATION FOR THE PREVENTION OF TORTURE, otherwise known as APT, I'd very much like to thank the Washington College of Law and particularly its Dean, Claudio Grossman, and Special Assistant Jennifer de Laurentiis, for their co-organization and hosting of this important event. I'm also very grateful for the preparatory work of our UN & Legal Program Officer, Marina Narváez, who started preparing for this meeting, with some of today's Panelists, back in October 2007.

We're very fortunate to have together some of the world's leading experts on torture prevention. And I'd also like to thank our panelists and moderators for their contributions and participation today. And finally I'd also like to say how pleased we are to see such a large conference audience representing a wide spectrum of interests, from apparently the military, political, judicial, academic, and NGO spheres of society. We hope you will pose challenging questions and propose interesting responses on the issues raised today.

Let me move on to the significance of the timing and venue of the conference. This conference needed to happen now and here in Washington. For too long we have witnessed with despair wrong policy decisions on the treatment and interrogation of those persons suspected of terrorism by the previous U.S. Administration and their Allies. This has been a major setback of international proportion for protecting the rights of all persons deprived of their liberty, in particular from the horrors of torture and other ill-treatment.

Fortunately, as we all know, the new U.S. government has already indicated that it wants to correct these wrongs. Executive Order 13491 from January 22, 2009 on ensuring lawful interrogations, for example, makes for very reassuring reading. Opportunities therefore present themselves for all of us to move forward with the prevention of torture and other ill-treatment. However, how can we do that in a well-informed, coherent and coordinated manner? Hopefully today's conference in Washington will be a stable stepping stone to that global goal.

In addition to Claudio Grossman's comments, let me add a few words on this preventive approach to torture. It is worthwhile stressing the preventive approach to torture as compared to policies of denunciation and redress. The preventive approach seeks to expose the causes of torture and then find solutions to prevent further violations from taking place. It is different, as it encompasses a proactive approach to address the causes of torture, usually in cooperation with authorities, to find measures and mechanisms to avoid further abuses. Therefore, more emphasis is given to enabling legal systems to function correctly and deterrence, rather than denunciation, (naming and shaming), which are very worthwhile, but different human rights protection strategies.

A few words on the logic of the program today. As reflected in our rich conference program, there are many issues to consider to prevent torture, such as, are torturers punished for their



Courtesy of Rick Reinhard

Mark Thomson

criminal acts; do detained persons have access to lawyers of their choice; how are authorities trained to arrest and interrogate? As any prevention strategy will only be truly effective with a combined response to these and many more matters, we have grouped the presentations and discussions into three panels, which reflect three interrelated fronts of possible actions. Firstly, how can law protect detained persons from torture? Secondly, how can practices of detention be challenged and reformed? And thirdly, how can opening places of detention to expert monitoring prevent abuses.

In conclusion then, let me clarify what we see as the three objectives of today's conference. Firstly, for all of us to be better informed of the preventive approach to torture and the variety of elements of such an issue. Secondly, to foster improved coherence in our strategies to prevent torture. And thirdly, to facilitate increased coordination between individuals, organizations, academics, UN agencies, and governmental authorities, to pursue the solutions that will bring us progress. If this can have some eventual influence in the U.S.A., this will be a welcome bonus. However, let me finally clarify that we do not intend for today's conference to refer solely to the U.S.A.

I shall now listen to all of you with great interest and will attempt to draw some conclusions with Claudio at the end of today's proceedings. Thank you for your attention and I now invite the panel experts and moderators to explore in further detail the matters that require our attention for this conference to provide clear and convincing solutions and programs for the prevention of torture.

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