

Charitable Institute for Protecting of Social Victims

UPR-Germany  
11<sup>th</sup> session of HRC

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Mr. President,

I am speaking on behalf of the Charitable Institute for Protecting of Social Victims, and would like to draw the attention of the Council to cases of human rights violations in Germany on the pretext of the war on terror. The thing that is deemed as factors in the war on terror in Germany mainly results in the violation of human rights in the country. The adoption of secrecy policies by the government and the grave violation of the rights of detainees suspected of terrorism, are just a few examples of these extraordinary measures.

Mr. President,

According to the UN Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms, in the course of the war on terror, some detainees have been imprisoned in secret detention centres for long periods of time, and the treatment that these individuals receive are blatant violations of international instruments on the prohibition of torture and mistreatment of prisoners.

According to a UN report, Germany cooperates with other countries on intelligence and the abduction of suspects within its borders. After being abducted the suspects are taken to detention centres.

Mr. President,

As an institute that is always concerned for human rights issues, and alongside the UN, the Charitable Institute for Protecting of Social Victims, deems this particular form of German government cooperation as wrong, and specifies that if this process continues unabated and unchallenged, the danger of other countries joining in these secret operations shall be more troubling than before. This institute also expresses concern on Germany's adoption of double standard policies in the war on terror, and deems the adoption of policies which result in the obtaining of a confession from a terror suspect as a result of torture blatant violation of human rights.

According to German law, the getting of a confession from a suspect must not be based on torture, and these confessions are not credible evidence. This is while according to Amnesty International 2009 Annual Report, the Federal Prosecutor stated in September 2008 that evidence obtained through "dubious circumstances" in a foreign country may be used – although carefully – in a criminal procedure, especially to prevent terrorist attacks. As well as stating that the burden of proof lies fully with the defendant the Prosecutor also argued that evidence obtained in a manner which violated German standards could be used to initiate a criminal investigation. He did not exclude evidence obtained through torture.

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Mr. President,

The aforementioned astonishing report clearly indicates that these measures are not only in violation of German national laws but they also are in violation of all human rights standards, and international and humanitarian laws.

The Charitable Institute for Protecting of Social Victims strongly urges the Council to consider these raised points in its Universal Periodic Review on Germany, towards the improvement of the human rights situation of the country.