

**UN Human Rights Council 16<sup>th</sup> Session**  
**Interactive Dialogue with the Special Rapporteurs for Torture and the  
Protection of Human Rights while Countering Terrorism**  
**Statement by the Delegation of the United States**  
**March 7, 2011**

The United States thanks Special Rapporteur Méndez for his most recent report, and welcomes him to the Human Rights Council. The Special Rapporteur only recently took over this mandate, but as his more than 20 consultations, presentations and visits demonstrate, he has been quite busy. We also thank the Special Rapporteur for his recent visit to the United States, which took place on February 28, 2011 (too recently to make this report), and during which he met with several representatives from the United States, including the Department of State's Legal Adviser, Harold Koh, and the General Counsel of the Department of Defense, Jeh Johnson. The United States has a long tradition of cooperation with this mandate, and we look forward to continuing our constructive dialogue with the Special Rapporteur in the coming years.

The United States also welcome this opportunity to engage with the Special Rapporteur on the goals of his future mandate. In this regard, we are happy to hear that he will continue the work of your predecessor with respect to torture in prisons, especially during pretrial confinement. Often, it is in these less "high profile" circumstances that the most pervasive forms of torture occur.

We read with interest the Special Rapporteur's report, particularly his "victim-centered approach" and would be interested to hear more about this approach, and how it compares or contrasts with the approach undertaken by previous mandate holders.

---

We would also like to thank Special Rapporteur Scheinin for his most recent and final report on the promotion and protection of human rights and fundamental freedoms while countering terrorism, and for his tireless work to promote and protect human rights, not only in his tenure as the first Special Rapporteur to hold this post but throughout his career as well.

As the Special Rapporteur's work illustrates, countering terrorism is a global challenge, which calls for states to be vigilant and creative, receptive to new ideas, and diligent in ensuring that measures taken to prevent and combat terrorism comply with their obligations under applicable international law.

The Special Rapporteur's report suggests ten areas of best practice. As the Special Rapporteur notes, recommendations for best practices are not legal obligations and thus may go beyond what is required by international law or practiced by most states. Furthermore, in this most challenging of areas, no one approach or singular set of practices will necessarily apply in all situations. We agree with the Special Rapporteur's assessment that Member States must consider best practices in a manner that is consonant with the fundamental principles of their various legal systems. As such, the practices suggested by the Special Rapporteur should not be considered as the sole means by which states can effectively counter terrorism while respecting human rights. We thank the Special Rapporteur for his devotion to upholding the human rights of all people, including victims of terrorism, and extend to him our best wishes as his particular mandate comes to a close.