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UN experts must have direct access to detainees

The ICJ called today on the United States of America to provide independent United Nations human rights experts full and unhindered access to prisoners held in Guantánamo Bay. The US Government has announced an invitation to three UN Special Rapporteurs of the UN Commission on Human Rights to visit the detention centre. The invitation comes after years of delayed and protracted negotiations, but has been limited to a single day and does not allow the experts to conduct any private interviews with the detainees.

“Any human rights investigation into Guantánamo Bay without permission to talk in privacy and confidentiality with detainees and without fear of reprisals to those being allegedly arbitrarily detained and mistreated, defeats the very purpose of such a visit”, said Nicholas Howen, ICJ Secretary-General.

The ICJ calls on the US Government to ensure that the visit can be conducted in accordance with the fundamental requirements for any such investigation, including those set out in the standard operating procedures of the experts of the United Nations Commission on Human Rights. The authorities should provide sufficient time and facilities to conduct such visit to ensure it is meaningful. The United States should follow the same standards that it expects other countries to meet when they receive such visits.

The ICJ regrets that the invitation excludes access for the United Nations Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the right to health.

“Access to the civilian judiciary and respect for the right to a fair trial are essential issues regarding the indefinite detentions in Guantánamo Bay and must not be excluded from the purview of the investigations,” said Nicholas Howen.

Background:

The US invited three of the five human rights experts of the United Nations Commission on Human Rights who have requested access to Guantánamo Bay since 2002. The United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Chairperson of the Working Group on arbitrary detention and the Special Rapporteur on freedom of religion or belief have been invited. The United Nations Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the right to health are not included in the invitation by the United States.

For further information, contact Gerald Staberock, Director, Global Security and Rule of Law Programme, ++ 41 (0) 22 9793800.

The ICJ is an international non-governmental organisation comprising sixty of the world's most eminent jurists and has a worldwide network of national sections and affiliated organisations