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UNITED NATIONS

Press Release

UN RIGHTS EXPERTS ASK INTERNATIONAL COMMUNITY TO AID WITH EXPEDITIOUS CLOSURE OF GUANTANAMO DETENTION CENTRE

6 July 2006

The Chairman Rapporteur of the Working Group on Arbitrary Detention, Leila Zerrougui; the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak; the Special Rapporteur on freedom of religion or belief, Asma Jahangir, and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Paul Hunt, issued the following statement today:

"In our report of 27 February 2006, we recommended that the detention facilities at Guantanamo Bay be closed without further delay. Some five months later, the facilities continue to hold more than 450 prisoners in breach of international human rights law. We take this opportunity to reaffirm the grave concerns and recommendations set out in our report.

We are encouraged by the recent decision adopted on 29 June 2006 by the United States Supreme Court in the case of *Hamdan* v. *Rumsfeld*. We are also encouraged that an increasing number of highly influential figures and institutions, such as the Secretary-General of the United Nations and the High Commissioner for Human Rights, as well as regional organizations including the European Parliament and the European Union Presidency, have called in recent months for the closure of the detention centre in Guantanamo Bay. We especially welcome recent indications from the highest levels of the United States Government of their wish to close Guantanamo Bay as soon as possible.

While the United States Government has legal responsibility for the detainees in Guantanamo Bay, we urge the international community – including Member States of the United Nations, the United Nations Secretariat and the specialized agencies, and the International Committee of the Red Cross – to collaborate actively, constructively and urgently with the United States authorities with a view to ensuring that the closure of Guantanamo Bay can indeed take place as soon as possible.

In particular, we encourage the United States, in consultation with the international community, to develop a detailed plan of action, with timeframes, for the closure of Guantanamo Bay. As the plan is developed and implemented, due regard must be given to all relevant international law.

The plan should address a range of issues. Where the United States Government decides to press charges against a detainee, it should provide for his transfer to the United States and his fair and expeditious trial, in accordance with international law.

If not subjected to trial, detainees should be allowed to return to their country of citizenship or residence. While doing so, it is critical that the views of the detainees are obtained and taken into consideration and, insofar as possible, respected. It is also of utmost importance that the detainees are not returned to countries where they are at risk of torture or other serious human rights violations, such as disappearance, summary executions or arbitrary detention, in accordance with the principle of non-refoulement. Where such a risk does exist, it cannot be overcome by seeking so-called 'diplomatic assurances'. In these cases, we call upon other States to assist by accepting Guantanamo Bay detainees for resettlement.

Throughout, all detainees and former detainees must be provided with adequate health conditions and care, including mental health care. For example, receiving States should be willing to make available counselling and rehabilitation services, as well as other legal and social support as long as appropriate to former detainees and families. The recent tragic reports concerning the simultaneous suicide of three detainees in the Guantánamo military base on 10 June 2006 confirm both the urgency of closing the detention centre and the importance of providing long-term assistance to the detainees."

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