Guantanamo Bay

Press Conference, 23 June 2005, Geneva

On 23 June 2005 four UN independent human rights experts - Mr. Leandro Despouy (Special Rapporteur on the independence of judges and lawyers), Mr. Paul Hunt (Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health ["the right to health"]), Mr. Manfred Nowak (Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment), and Ms. Leila Zerrougui (Chairperson-Rapporteur of the Working Group on Arbitrary Detention) – issued a joint press statement and held a press conference concerning the detainees held in Guantanamo Bay.

During the press conference, each expert made some additional remarks to supplement their joint press release.

Paul Hunt, the Special Rapporteur on the right to health, made the following remarks.

18 months have passed since I first wrote to the Government of the United States of America requesting a visit to Guantanamo Bay.

Since then, I have repeated the request, in writing, on a number of occasions.

To my deep regret, these requests have not been accepted.

While the requests have not been explicitly refused, in effect, my colleagues and I are being denied access to Guantanamo Bay to carry out the duties that have been given to us by the UN Commission on Human Rights.

I am anxious to visit because of persistent and credible reports of alleged violations of the right to health of detainees.

According to reports, there has been a worrying deterioration in the mental health of many detainees. It is alleged that there are dozens of suicide attempts. Reportedly, medical staff have assisted in the design of interrogation strategies, including sleep deprivation and other coercive interrogation methods.

The best way for me to check the accuracy of these – and other – allegations concerning the health of detainees is to visit, to see the conditions for myself, to talk privately with detainees, and to discuss on-site with medical staff and others.

So I am extremely disappointed that, despite waiting for 18 months, and despite several requests, the authorities have not seen fit to grant permission to visit Guantanamo Bay.

This is especially regrettable because the protection of human rights is one of the central purposes of the United Nations, agreed by all Member States in the opening sentences of the UN Charter.

As an independent Special Rapporteur of the UN, it is my responsibility to do what I can to ensure that the human right within my mandate is respected at all times and in all places. The writ of international human rights does not stop at the gates of Guantanamo Bay.

It is imperative for the integrity of the UN, and its human rights mechanisms, that Guantanamo Bay, and similar facilities elsewhere, do not escape the international accountability that has been carefully constructed by States in recent decades to safeguard the human rights of individuals.

To those who argue that the detainees are "bad people", I reply that whether they are good or bad the rule of law extends to them because they are human beings. That is what distinguishes a system of government based on the rule of law from one that is based upon the arbitrary exercise of power.

The rule of law cannot be applied selectively. A State cannot respect the rule of law in one place, but not in another -- to one group of people, but not another. The rule of law is not to be turned on and off like a tap.

For these reasons, given my UN mandate, I have no alternative but, in close cooperation with my colleagues, and so far as my resources permit, to conduct a fair and balanced investigation, based on all credible sources, regarding the right to health of detainees in Guantanamo Bay.

Of course, I continue to hope that the authorities will grant us access to Guantanamo Bay, thereby greatly deepening our investigations, and confirming Washington's commitment to human rights and the rule of law.

Paul Hunt
23 June 2005