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	NSCE-00	OIC-02	PA-00	PRS-00	P-00	SP-00	SS-00
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UNCLAS GENEVA 000320

STATE FOR IO/SHA, DRL/MLA, L, L/HRR,  
PASS TO HHS

E.O. 12958: N/A  
TAGS: PHUM, UNHRC-1  
SUBJECT: CHR SPECIAL RAPPORTEURS ON TORTURE AND HEALTH  
REQUEST INVITATION TO GUANTANAMO

REF: A) GENEVA 03 3873 B) GENEVA 03 3376

1. Mission has received the following letter from the Special Rapporteurs on torture and the right to health ("the right to everyone to the enjoyment of the highest attainable standard of physical and mental health") requesting an invitation to visit Guantanamo to investigate information regarding "the physical and mental integrity of persons held at the Guantanamo Bay military base, Cuba." A response has been requested by February 27, 2004.

2. Begin text.

"30 January 2004

Excellency,

We have the honour to write to you in our respective capacities as Special Rapporteur on torture and Special Rapporteur on the right to health in accordance with resolutions 2001/62 and 2002/31 of the Commission on Human Rights, respectively.

In context of the present communication, we would like to refer to paragraph 5 of resolution 2002/31, which requests

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the Special Rapporteur on the right to health, inter alia:

(a) To gather, request, receive and exchange information from all relevant sources, including Governments...on the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

(b) To develop a regular dialogue...with all relevant actors, including Governments...;

(c) To report on the status, throughout the world, of the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (...) and on developments relating to this right, including on laws, policies and good practices most beneficial to its enjoyment and obstacles encountered domestically and internationally to its implementation; (and)

(d) To make recommendations on appropriate measures to promote and protect the realization of the right of everyone to the enjoyment of the highest attainable standard to physical and mental health, with a view to supporting States' efforts to enhance public health.

We would further like to refer to resolution 2003/32 of the Commission on Human Rights entitled 'Torture and other cruel, inhuman or degrading treatment or punishment', in which the Commission, inter alia, "calls upon all Governments to give serious consideration to responding favorably to the Special Rapporteur's requests to visit their countries and urges them to enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to his recommendations, so as to enable him to fulfill his mandate even more effectively."

Finally, we wish to draw your Excellency's attention to Commission resolution 2002/84, entitled "Human Rights and Thematic Procedures", which inter alia:

2. Encourages all Governments to cooperate with the Commission through the pertinent thematic procedures by:

(a) Responding without undue delay to requests for information made to them through the thematic procedures, so that the procedures may carry out their mandates effectively;

(b) Considering inviting thematic Special Rapporteurs, representatives, experts and working groups to visit their countries;

c) Considering follow-up visits with a view to the effective

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implementation of recommendations by the thematic procedures concerned;

3. Calls upon the Governments concerned to study carefully the recommendations addressed to them under thematic procedures and to keep the relevant mechanisms informed without undue delay on the progress made towards their implementation."

In the exercise of our mandates, we continue to receive information in relation to the physical and mental integrity of persons held at the Guantanamo Bay military base, Cuba. In this connection, on 22 October 2003 the Special Rapporteur on torture met with Mr. DeLaurentis and Mr. Peay of the Permanent Mission of the United States of America in Geneva,

in order to bring your Government's attention to allegations received relating to such persons. By letter dated 8 December 2003, the Special Rapporteur on torture sought clarifications on the substance of these allegations and other related matters. To date, the Special Rapporteur has not received a reply.

In the light of the above, we would like to request your Government to extend an invitation to us to undertake a mission to the Guantanamo Bay military base, in accordance with the above-mentioned resolutions. The purpose of such a mission will be to gather first-hand information related to our respective mandates, in the spirit of co-operation and dialogue, with a view to evaluating the situation and making appropriate recommendations.

We would be grateful if the reply of your Government were to be received at the Office of the United Nations High Commissioner for Human Rights no later than 27 February 2004.

We shall also make ourselves available for consultations, should your Excellency's Government wish to discuss these matters further. Arrangements may be made through the Office of the United Nations High Commission for Human Rights in Geneva.

Please accept, Excellency, the assurances of our highest consideration.

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Theo van Boven  
Special Rapporteur on torture

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Paul Hunt

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Special Rapporteur on the right to health

End of text.  
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