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HUMAN RIGHTS COUNCIL
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PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT

**Written statement* submitted by Sudan Council of Voluntary Agencies (SCOVA),
a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[20 February 2008]

* This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).

STATEMENT ON TORTURE AND DETENTION OF SAMI AL HAJ AND OTHER DETAINEES IN GUANTANAMO.

- Sami al Haj is an Al Jazeera journalist, originally from the Sudan, who has been detained by the U.S. at Guantánamo for over five years without trial. He was seized whilst working as a cameraman on assignment reporting on the war in Afghanistan.
- Sami was originally seized at the border between Pakistan and Afghanistan, on December 15, 2001, because the U.S. thought that he had been the cameraman at an Al Jazeera interview with Usama Bin Laden.
- The U.S. military flew him to Bagram Air force Base on January 7, 2002. He reports that these were the longest days of his life. He was kept in a freezing hangar with other prisoners, in a cage, with an oil drum to use as a toilet. He was given one freezing cold meal a day. He was not allowed to talk, and he severely abused.
- Al-Haj, the only known journalist imprisoned at Guantanamo Bay, was detained by Pakistani authorities at the Pakistan-Afghan border on December 15, 2001, while covering the U.S.-led fight to oust the Taliban. He was transferred to U.S. custody and then transported to Guantanamo Bay in June 2002, where he has remained without charge. U.S. military authorities have accused him of working as a financial courier for armed groups and assisting al-Qaeda and extremist figures.
- “There is no evidence that Sami has committed any crime,” says his London-based attorney, Clive Stafford Smith. “Sami is no more a terrorist than my grandmother.”
- Sami suffers from serious health problems both incurred and exacerbated at the hands of the U.S. Military.
- On January 7, 2007, the fifth anniversary of his transfer by the Pakistanis to U.S. custody, Sami began a hunger strike. His patience was exhausted. All he asked for was either to be given a fair trial, or to be released to rejoin his family – a claim that has been supported by every major world leader outside the White House. On the twenty-first day of this peaceful, non-violent protest, the U.S. military began to force feed him. For his peaceful protest, Sami has been punished.
- The largest list of detainees in Guantanamo made public thus far, encompassing: 367 men whose identities have appeared in media reports, on Arabic Web sites and in legal documents.
- The Sudanese government, the Qatari government, Al Jazeera, Reporters without Borders, the Committee for the Protection of Journalists, and the Sudanese Union of Journalists are all calling for Sami al Haj’s immediate release from Guantánamo. There is an on-going and urgent need for support for this courageous journalist.
- **Since Arbitrary Deprivation of Liberty, Torture and Detention are considered as a serious violation of human rights covenants as well as the International Humanitarian Laws; we request (HRC) to:**
 1. Consider the arbitrary detention of persons in Guantánamo in view of the relevant legal framework, namely, the third Geneva Convention (relative to the treatment of prisoners of war), and the International Covenant on Civil and Political Rights, to both of which the United States are a party.
 2. Take into consideration articles 9 and 14 of the International Covenant on Civil and Political Rights, which guarantee, respectively, the right to a review of the lawfulness of detention by a competent judicial authority and the right to a fair trial.

3. Sami al Hajj and other detainees should enjoy the protection afforded by International Covenant on Civil and Political Rights: firstly ("Prisoners of war must at all times be humanely treated"), and secondly the right to have the lawfulness of their detention reviewed and the right to a fair trial provided.
4. State that Sami al Hajj and all other detainees at Guantánamo Bay must be given fair trials or released immediately.
5. Call on the US authorities to keep the families of all detainees in Guantánamo, including Sami al Hajj family, fully informed of their legal status, health and well-being.
6. Call for an impartial investigation into the accusation that Sami al Hajj and other detainees were tortured in US custody in Afghanistan and Guantánamo Bay.
7. Seek assurances that Sami al Hajj and other detainees are being given appropriate medical care and treated in a manner that preserve their human dignity.
8. Order fair compensation for all detainees who have been deprived of their Liberty, tortured and Detained for a long period according to baseless allegations.
9. Call for the US government to set up an independent commission of inquiry into all aspects of the USA's "war on terror" detention policies and practices.
10. Call for the detention facility at Guantánamo Bay to be closed and for all other "war on terror" detention facilities to be opened up to external scrutiny.

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