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HUMAN RIGHTS SITUATIONS THAT REQUIRE THE COUNCIL'S ATTENTION

**Written statement* submitted by the 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.

[25 August 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 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.
- Al-Haj, the only known journalist imprisoned at Guantanamo Bay was transferred to U.S. custody and then transported to Guantanamo Bay in June 2002, where he has remained without charge. U.S.
- “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.
- Sami was released from Guantanamo after he spent many years in detention; the tremendous suffering he experienced during that period cannot be described. Sami was released eventually with a very few colleagues, but The largest list of detainees in Guantanamo made public thus far remain, more or less the same , encompassing: 360 men whose identities have appeared in media reports, on Arabic Web sites and in legal documents.
- With no doubts Guantanamo prison remains a prominent stigma in the face of USA and the International community. Many human rights defenders actively advocate the case of prompt closure of Guantanamo as well as all secret prisons around the world, a genuine claim that has been supported by every major world leader outside the White House.
- 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. 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 all 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 fully informed of their legal status, health and well-being.
 6. Call for an impartial investigation into the accusation that all detainees were tortured in US custody in Afghanistan and Guantánamo Bay.
 7. Seek assurances that detainees are being given appropriate medical care and treated in a manner that preserve their human dignity.
 8. Order fair compensation for all detainees, including Sami Elhag, 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.
- While we are addressing the HRC to take serious and genuine movements towards putting an end to the huge suffering of Guantánamo detainees, we are declaring the establishment of an International campaign comprising International NGOS, CSOS, Government, Satellite channels, journalists, Reporters without Borders, the Committee for the Protection of Journalists, to advocate the issue of serious human rights violation in Guantánamo base and all other secret prisons around the world. We announce at the beginning of this peaceful, non-violent protest, against the U.S. Guantánamo prison that the campaign will continue until the immediate release of all detainees from Guantánamo. There is an on-going and urgent need for support of the courageous International campaign to end the suffering of Guantánamo and secret prisons around the world.

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