

ACTION IO-00

RELEASED IN FULL

INFO	LOG-00	NP-00	AF-00	AID-00	AMAD-00	USNW-00	CIAE-00
	INL-00	DODE-00	WHA-00	EAP-00	EB-00	EUR-00	OIGO-00
	UTED-00	FOE-00	H-00	TEDE-00	INR-00	LAB-01	L-00
	NEA-00	DCP-00	NSAE-00	NSCE-00	OIC-00	OIG-00	NIMA-00
	PA-00	PER-00	GIWI-00	PRS-00	P-00	SP-00	IRM-00
	SS-00	STR-00	TRSE-00	SA-00	FMP-00	PRM-00	DRL-00
	G-00	SAS-00	SWCI-00	/001W			

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 FM USMISSION GENEVA
 TO SECSTATE WASHDC 6566

UNCLAS GENEVA 001911

STATE FOR IO/SHA, DRL/MLA

REFERENCE: GENEVA 1660

E.O. 12958: N/A

TAGS: PHUM, UNHRC-1

SUBJECT: QUESTIONNAIRE FROM THE FIVE SPECIAL RAPORTEURS ON
 GUANTANAMO INVESTIGATION

1. Mission received the following communication from the five special rapporteurs who are conducting an investigation regarding the situation of detainees at Guantanamo (reftel). This communication has been forwarded to IO/SHA via e-mail and is included in number 10 on the Geneva 2005 Communications Log.

2. Begin text of letter:

8 August 2005

Excellency,

We have the honour to write to you in our respective capacities as Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Chairperson-Rapporteur of the Working Group on Arbitrary Detention, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Special Rapporteur on the independence of judges and lawyers, and Special Rapporteur on freedom of religion or belief.

In our letter of 28 June 2005 we informed your Excellency's

UNITED STATES DEPARTMENT OF STATE
 REVIEW AUTHORITY: JOHN L MILLS
 DATE/CASE ID: 03 MAY 2011 200908726

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Government that we intend to conduct an investigation of the situation of detainees in Guantanamo Bay on the basis of reports from all credible sources and that we would inform you about our methods of work in due time. Further to that letter, please find attached a list of questions addressed to your Excellency's Government. We would be grateful to receive a response to these questions, along with any other relevant information your Government may wish to share.

As you are aware, the respective Commission on Human Rights resolutions establishing our mandates as well as Commission resolution 2004/76 on Human Rights and Special Procedures call upon all governments to cooperate with and assist mandate holders in the performance of their tasks and to supply all necessary information requested by them. In this regard we would like to reiterate that we consider the cooperation of your Government essential for the success of our investigation. For this reason we would appreciate it if the information is provided in a timely manner and is as comprehensive and detailed as possible.

Your Excellency will recall that in the "Joint Statement by participants at the eleventh Annual Meeting of the Special Rapporteurs/representatives, independent experts and chairpersons of the working groups of the Special Procedures of the Commission on Human Rights and of the Advisory Services Programme" of 30 June 2004 desire was expressed to visit "those persons arrested, detained or tried on grounds of alleged terrorism or other violations, in Iraq, Afghanistan, the Guantanamo Bay military base and elsewhere".

Whereas this request was narrowed to a visit to Guantanamo Bay in the course of subsequent talks as your Government appeared to be available to consider a visit limited to the Guantanamo Bay military base, we re-iterate our interest in receiving information about all persons detained under US authority worldwide in the context of the "war on terror". In particular, we wish to receive a complete list of all places of detention throughout the world where terrorism suspects are detained under US authority (including within US territory).

As stated previously, we would still very much welcome an invitation by your Government to visit Guantanamo Bay, and would incorporate the findings from our mission into our other investigations.

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

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Manfred Nowak Special Rapporteur on the question of torture

Leandro Despouy Special Rapporteur on the independence of judges and lawyers

Leila Zerrougui Chairperson-Rapporteur of the Working Group on arbitrary detention

Paul Hunt

Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Asma Jahangir Special Rapporteur on freedom of religion or belief

End text of letter.

3. Begin questionnaire:

Arrest and Detention

1. Please provide a list of all persons currently detained by the United States in facilities located at Guantanamo Bay, Cuba. Please indicate their names, nationalities, date and place of arrest, and date of transfer to Guantanamo.
2. Please provide a list of all persons who were previously detained in facilities located at Guantanamo Bay and who have been released. Please indicate their names, nationalities, date and place of arrest, dates of detention at Guantanamo, dates of release and to which country and/or under whose authority they have been released.
3. Please set forth the legal basis for the detention of the persons held at Guantanamo Bay. In this context, please elaborate on the applicability of international humanitarian law and/or of international human rights law to their detention.
4. How soon after their arrest have the detainees been given access to a lawyer?
5. Are the persons detained at Guantanamo Bay entitled to challenge their detention before a court and if so, have they been brought promptly before a judicial authority? What

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is the basis for their right to challenge their detention or the basis for any limits on their right to do so?

6. Please describe the procedure applying to the review of their detention,

7. Have the detainees been promptly informed of the reasons for their arrest and detention and the charges brought against them? In what form and language?

8. Have the families been notified of the detention and location of their relatives and the charges against them?

9. Do the detainees have the assistance of interpreters?

10. Have their embassies/consulates been notified? If so, were representatives of the diplomatic missions able to meet with their respective nationals?

11. How many of the persons detained at Guantanamo Bay are held in the framework of criminal proceedings? What law, substantive and procedural, governs such criminal proceedings? What stage are the criminal proceedings at in each individual case? What is the average time spent in detention since they have been charged by those detained in the framework of criminal proceedings?

Conditions of detention

12. Please describe conditions of detention in these places including information about incommunicado detention, periods of solitary confinement, periods of leisure activities, access to medical examinations and treatment, size of cells, etc.

13. What investigations of conditions of detention have been conducted? Please share the results with us.

14. Please indicate names of private firms authorised to manage places of detention and conduct interrogations?

15. Please provide details of the rules and procedures in place for ensuring confidentiality of medical records of detainees. In particular, please comment on the access of interrogators to medical records of detainees.

16. Please provide details on the number of suicide attempts and deaths by suicide among detainees.

17. How many of the detainees have died, for which reasons?

Please inform us about the outcome of the related investigations.

18. Please indicate which detainees were or currently are on hunger strike.

19. Are there any facilities offered to the detainees to practice their religious beliefs? Is there any space in the detention centre designed to serve as a place of worship or

place for prayers?

20. Was the detainees' diet prepared according to their needs and beliefs?

21. Do the detainees have access to members of the clergy or other religious practitioners or are they authorized to receive them in their place of detention? Are there any times set for prayers?

22. Do they receive or do they have access to the sacred texts of their religion?

23. Have there been any acts or declarations aimed at discrediting, insulting or humiliating the religious feelings of detainees or the detainees? If yes has there been any investigation and what have been the results of the investigations?

24. Is there any training or briefing provided to detention personnel with regard to religious beliefs of detainees?

25. Are there any specific internal regulations related to the religion of detainees in force at the places of detention?

Investigation and interrogation

26. Please share with us all relevant internal instructions and other internal legal acts relating to methods of interrogation and to the treatment of detainees as used in places of detention where terror suspects are held,

27. Please describe the methods of interrogation routinely used vis-a-vis terror suspects including their treatment concerning shaving, clothing etc.

28. Please provide comprehensive information about all

cases of torture (including all the relevant evidence) investigated in the past or currently being investigated and about the prosecution of perpetrators.

29. What compensation have the victims of torture or their families received?

30. Please comment on the role of all health professionals in the interrogation of detainees.

31. Please provide details of reporting lines/chain of command for all health professionals.

Trials

32. Please describe the legal basis for the criminal proceedings against persons detained at Guantanamo Bay. What law, substantive and procedural, is applied in such proceedings?

33. Please provide information about what crimes the detainees have been accused of. Have any of the detainees been formally charged, if so, please provide details of the specific charges set out in the indictments.

34. Please describe the legal basis for the determination of the court the detainees are brought before, and the rules applying to the selection, appointment and revocation of judges sitting on that court. Are judges ad prosecutors civilians or military? Are hearing held in public?

35. Have they had access to alawyer during their detention? If so, of their coice? Is legal assistance provided free of charge?

36. How often are they able to meet/contact teir lawyer?

37. Are interviews between detainees and their lawyers held in private?

38. Aredetainees that require interpreters provided with such a facility when presented to the tribunal or t meetings with their lawyers?

39. Do detainees and their lawyers have sufficient time and reources to prepare for their defense?

40. Pleas provide the rules of procedure governing the miitary trials. Please describe the way in which rule of

evidence differ from those generally UNCLASSIFIED courts
(e.g. the Federal Rules of Evidence), in particular with

regard to disclosure of evidence to the accused and his
counsel (including access to official records of his
interrogation), the adversarial character of proceedings,
and the standard of proof for conviction.

41. Have any detainees been convicted/sentenced? If so,
please provide details.

42. Is there a right of appeal of conviction and sentence?

43. Will transcripts of trial proceedings and judgments
become available and be made public?

Rendition and repatriation

44. Please provide information on repatriated prisoners.
Which safeguards have been put in place to guarantee that
they are not subjected to torture or cruel and degrading
treatment upon their return? Which monitoring mechanisms are
there to ensure that these persons are not subjected to
torture or inhuman or degrading treatment?

45. Please provide information about the "extraordinary
rendition programme".

End questionnaire.

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