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COMMISSION ON HUMAN RIGHTS
Sixty-first session
Agenda item 3

ORGANIZATION OF THE WORK OF THE SESSION

Cuba: draft resolution

**2005/... Question of detainees in the area of the
United States naval base in Guantánamo**

The Commission on Human Rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and fundamental freedoms through international cooperation,

Aware that all persons are entitled to respect for their human rights as set forth in the Universal Declaration of Human Rights, and bearing in mind that several of these rights are non-derogable, and that their enjoyment cannot be restricted under any circumstances,

Recalling the duty of all States to respect and comply with their obligations under international instruments, including those relating to human rights, to which they are party,

Recalling also general comment No. 31 (2004) of the Human Rights Committee, adopted at its 2187th meeting on 29 March 2004,

Recalling further the request made to the Government of the United States on 25 June 2004 by four thematic procedures mandate holders of the Commission, with the objective of visiting the persons detained on grounds of terrorism, including in Guantánamo Bay,

Taking into account the statement made on 4 February 2005 by six special procedures mandate holders of the Commission, reaffirming their serious concern over the situation of detainees at the naval base in Guantánamo, despite some positive developments that had taken place on the issue in the last few months,

Taking into account also that a significant number of Governments and parliaments from all over the world have expressed their concern in this regard, among them the European Parliament which, in its resolution on Guantánamo adopted on 28 October 2004, called on the United States administration to allow an impartial and independent investigation into allegations of torture and mistreatment for all persons deprived of their liberty in United States custody,

1. *Requests* the Government of the United States of America to authorize an impartial and independent investigation by the relevant special procedures of the Commission on Human Rights on the situation of detainees at its naval base in Guantánamo;

2. *Also requests* the Government of the United States of America to authorize for that purpose the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the question of torture, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on the independence of judges and lawyers to visit the detention centres that have been established on that base;

3. *Requests* the United Nations High Commissioner for Human Rights to prepare and submit to the Commission at its sixty-second session, a report on the situation of the detainees at the United States naval base in Guantánamo, based on the results of the findings of the visits to be conducted thereto by the mandate holders of the above-mentioned special procedures;

4. *Decides* to continue the consideration of this issue at its sixty-second session.