



THE PERMANENT MISSION
OF THE
UNITED STATES OF AMERICA
TO THE
UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS
IN GENEVA

May 1, 2023

Alexandra Xanthaki
Special Rapporteur in the field of Cultural Rights
Geneva, Switzerland

Fionnuala Ní Aoláin
Special Rapporteur on the promotion and protection of human rights and fundamental
freedoms while countering terrorism
Geneva, Switzerland

Dear Special Rapporteurs:

Please find enclosed the U.S. response to your letter dated November 29, 2022.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelly Billingsley".

Kelly Billingsley
Deputy Permanent Representative
Human Rights

U.S. Response to letter dated November 29, 2022

Dear Special Rapporteurs:

Thank you for your letter dated November 29, 2022, and the associated question regarding the U.S. government's policies regarding the ability of Guantánamo Bay detention facility (Guantánamo) detainees to transport artwork out of the facility upon transfer. We are grateful for the work you do across the globe to promote respect for human rights and for the opportunity to provide the information below concerning U.S. law, policy, and practice.

We are particularly grateful for ongoing efforts to conduct an assessment of detention practices at Guantánamo, which indicates the U.S. government's willingness to maintain transparency on this matter, highlights our priority to conduct detention practices in an appropriate manner, and will help inform our ongoing efforts to conduct effective detention and transfer practices related to the facility.

On January 17, 2023, the Department of Defense (DoD) updated its existing policy, elucidating "policy guidance on detainee-produced items." The policy states that, upon transfer from the facility, a detainee may take with him the items he produced while in detention, to the extent practicable, on a space available basis. This policy covers artwork, as well as written materials and other items made by the detainee during detention.

For example, as a direct result of this policy, Badr Rabbani, one of the last Pakistani nationals detained at Guantánamo Bay, was able to transport artwork during his repatriation to Pakistan on February 23, 2023 – artwork which he was subsequently able to display upon return.

A number of transfer-eligible detainees remaining at Guantánamo have produced artwork items during their time in detention. The updated policy will enable them to transport a certain amount of artistic material during their eventual transfers, which reflects the U.S. government's willingness to take measures that could assist with post-transfer rehabilitation and integration efforts.