

**NATIONS UNIES**  
**HAUT COMMISSARIAT DES NATIONS UNIES**  
**AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**Mandates of the Working Group on Arbitrary Detention and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health**

**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

REFERENCE: UA G/SO 218/2 Health (2002-7)  
USA 28/2012

24 October 2012

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention and Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health pursuant to Human Rights Council resolutions 15/18 and 15/22.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the critical health condition of Mr. **Abdulrahman Suleiman** (ISN 223) who is being held in detention at Guantanamo Bay.

According to the information received:

Mr. Abdulrahman Suleiman is a national of Yemen. In March 2001, Mr. Suleiman, aged 21 at the time, travelled from Taiz, Yemen to Pakistan and then to Kabul, Afghanistan. Mr. Suleiman stayed for approximately seven months in a Taliban guesthouse in Kabul. In October 2001, Mr. Suleiman fled from the Kabul guesthouse. He was apprehended by the Pakistani authorities and turned over to the United States military. It is alleged that he was tortured in Kandahar, Afghanistan and then around February 2002 transferred to Guantanamo Bay where he remains. His petition for certiorari is currently pending (Case No. 12-137).

In the meantime, Mr. Suleiman's health is rapidly deteriorating. He is suffering from severe pain in the area of his kidneys and appendix. Mr. Suleiman was examined by a doctor and had x-rays taken. He was administered Motrin but it has not relieved or decreased his pain. Despite his repeated complaints, he has allegedly not received adequate medical attention.

Serious concern is expressed at Mr. Suleiman's health condition while in detention. In case the aforementioned allegations are corroborated, we would like to urge

your Excellency's Government to ensure that Mr. Suleiman receives adequate medical examination and treatment.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of Mr. Suleiman is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee his right not to be deprived arbitrarily of his liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights and articles 9 and 14 of the International Covenant on Civil and Political Rights.

Concerning reports of Mr. Suleiman's poor health condition that require medical attention, we would appreciate information from your Excellency's Government on steps taken by the competent authorities with a view to ensuring the enjoyment of the right to the highest attainable standard of health of Mr. Suleiman. This right is reflected, inter alia, in article 25 of the UDHR and article 12 of the International Covenant on Economic, Social and Cultural Rights, which provide for the right of everyone to the enjoyment of the highest attainable standard of mental and physical health. The right to health requires States to ensure that quality health facilities, goods and services are accessible to everyone without discrimination. Furthermore, we would also like to refer to the Basic Principles for the Treatment of Prisoners, adopted and proclaimed by General Assembly resolution 45/111, according to which "Prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation" (Principle 9).

We also wish to draw the attention of your Excellency's Government to the Standard Minimum Rules for the Treatment of Prisoners. Rule 22(2) provides that, "Sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners, and there shall be a staff of suitable trained officers". While Rule 25(1) provides that, "The medical officer shall have the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed." In this regard, we would like to refer to article 22(2) of the UN Standard Minimum Rules for the Treatment of Prisoners, which states that: "sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals".

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of Mr. Suleiman in compliance with the above international instruments.

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for

your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the summary of the case accurate?
2. Please provide details of measures taken to ensure the enjoyment of the right to the highest attainable standard of health by Mr. Suleiman.

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

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

El Hadji Malick Sow  
Chair-Rapporteur of the Working Group on Arbitrary Detention

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