

Mandate of the Working Group of Experts on People of African Descent

REFERENCE:
UA GUY 1/2017

18 October 2017

Excellency,

I have the honour to address you in my capacity as Working Group of Experts on People of African Descent, pursuant to Human Rights Council resolution 36/23.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning Mr. [REDACTED], who is allegedly receiving threats from prison authorities and guards in Lusignan Prison.

According to the information received:

Following our official visit to Guyana (2-6 October 2017), Mr. [REDACTED] a detainee at Lusignan Prison, has suffered reprisals. The Working Group delegation interviewed Mr. [REDACTED] during its visit to Lusignan Prison on 4 October 2017. The information received states that Mr. [REDACTED] was verbally threatened following his contact with the Working Group.

The Working Group would like to express serious concerns regarding the safety and well-being of Mr. [REDACTED].

In view of the urgency of the matter, we call upon your Excellency's Government as a matter of urgency to investigate these allegations, hold any perpetrators accountable for their acts, and ensure that Mr. [REDACTED] and other detainees are not subjected to any harm, threats, harassment or punishment for being in contact with the Working Group delegation.

Without making any judgment as to the accuracy of the information made available to us, the above allegations appear to be in contravention of the right of the absolute and nonderogable prohibition of torture and other ill-treatment as codified in the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Guyana ratified on 19 May 1988. We would like to draw the attention of your Excellency's Government to the Standard Minimum Rules for the Treatment of Prisoners, (approved by the Economic and Social Council by resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977).

Prior to our country visit to Guyana important guarantees were agreed by the Government including the Terms of Reference for Fact-Finding Missions by Special Rapporteurs/Representatives. Para (c) provides "assurance by the Government that no persons, official or private individuals who have been in contact with the special rapporteur/representative in relation to the mandate will for this reason suffer threats, harassment or punishment or be subjected to judicial proceedings."

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

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

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would be grateful for your observations and/or considerations concerning the case.

While awaiting a reply, I urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

Sabelo Gumedze
Chair-Rapporteur of the Working Group of Experts on People of African Descent