

Mandates of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Special Rapporteur on the situation of human rights in Afghanistan; the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

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(Please use this reference in your reply)

7 June 2024

Mr. Muttaqi,

We have the honour to address you in our capacity as Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; Special Rapporteur on the situation of human rights in Afghanistan; Working Group on Arbitrary Detention; Special Rapporteur on extrajudicial, summary or arbitrary executions 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 52/7, 54/1, 51/8, 53/4 and 51/21.

In this connection, we would like to bring to your attention information we have received recently concerning Mr. Ryan Corbett, a humanitarian and a national of the United States of America who is being held in a situation of deprivation of liberty in Kabul since approximately two years, in conditions of detention that are considered to fall below international standards. As a consequence of these conditions, it is alleged that Mr. Corbett's health status is rapidly deteriorating, and we believe that your urgent action in the case could help protect his life and preserve his health.

According to information received:

Mr. Ryan Corbett is a national of the United States of America who has been living and working in Afghanistan since 2010, running and supervising projects for several non-governmental organisations, focusing mainly on matters relating to education as well as sexual and reproductive health. He and his family evacuated Afghanistan in August 2021.

In 2022, Mr. Corbett returned to Afghanistan on two occasions; in January, to renew his visa and pay his former employees; and in August, when he travelled to the Jawzjan region, in the north of the country, to explore opportunities for humanitarian projects.

On 10 August 2022, Mr. Corbett was reportedly arrested arbitrarily by a group of 20 armed men at his accommodation. He was brought to a police station for interrogation, as he was allegedly believed to be an undercover agent or a spy and kept there for an unspecified number of days.

On 11 August 2022, he was placed in an underground cell, which was dark and reportedly had blood on the walls. Screams of people allegedly being tortured could be heard during the night. The following day, on 12 August 2022, he was again interrogated.

Mr. Muttaqi
Taliban

At an unspecified date, Mr. Corbett was transferred to Kabul by car, handcuffed in the backseat during the trip, which lasted for approximately 20 hours, with guards pointing weapons at him.

In Kabul, Mr. Corbett was initially held in a security compound for four days. While there, he was woken up at night by armed people, on various occasions, for interrogation. He was handcuffed and hooded each time he was taken out of the cell. He was also repeatedly threatened with being brought before a court that would sentence him to up to 20 years in prison.

Subsequently, Mr. Corbett was transferred to another prison. He was hooded and handcuffed while being transferred via a van. During this transfer, he feared he would be executed.

In that prison where he would be held several months, Mr. Corbett was placed in an underground cell measuring nine square meters, locked 24 hours a day, together with a few other inmates. He was allowed to leave the cell only to go to the bathroom, always escorted by guards. He was allowed to spend 20 minutes outside only once per month.

Mr. Corbett had no access to information from the outside world and was not allowed to talk to other prisoners or to communicate with his family. The cell was constantly monitored by closed circuit television (“CCTV”).

Prison guards repeatedly threatened Mr. Corbett with rendering his detention long and painful if he did not cooperate with them. On several occasions, he was reportedly placed in solitary confinement, for an alleged total duration of several months, including as a disciplinary punishment for translating complaints of other foreign detainees concerning detention conditions.

Mr. Corbett only had summer clothes when he was initially arrested in August. His requests for warmer clothes, as temperatures became colder with time, were ignored. At some point, he was given an electric heater.

Mr. Corbett was allowed to talk on the phone directly to his family on a few occasions. In these instances, he was reportedly connected to representatives of the US Department of State who would make him listen to messages pre-recorded for him by his family. In response, Mr. Corbett reportedly went on a hunger strike for approximately 10 days to protest the denial of regular contact with his family and demanded to be given opportunities to talk to his family more frequently. He allegedly fainted on various occasions. On one of these occasions, he fell on the ground, wounding his head, and had to be hospitalised.

Mr. Corbett reportedly developed a number of medical problems, including numbness in his feet that prevents him from sleeping; ringing in his ears; and weight loss up to approximately 15 kilograms because of an inadequate diet and lack of food. He has expressed thoughts of suicide and self-harm on several times.

Mr. Corbett was visited by doctors on occasions. However, they were allegedly not trained to be able to diagnose and treat his specific conditions and would only give him unknown medications; forcing him, at times, to take them.

In April 2023, Mr. Corbett was transferred to a third prison where he is currently being held.

Since then, he has reportedly spoken on the phone to his wife seven times over more than one year. During the last telephone call, in May 2024, he allegedly expressed anguish, suffering and frustration, caused by his detention, and reportedly sounded desperate, pessimistic and hopeless.

To date, Mr. Corbett remains deprived of liberty reportedly without official charges or proceedings brought against him, which may amount to arbitrary detention. His physical and mental health continue to deteriorate. He has lost additional weight; is kept in a cell with no access to sunlight or a window; and has no access to adequate medical care. He has been visited in person on two occasions by a delegation of the government of a third country.

The family of Mr. Corbett believes that he is being wrongfully detained and held solely on the basis of his nationality as a citizen of the United States of America. They consider that his continued deprivation of liberty poses an imminent risk of danger to his life; and they fear that, in the present circumstances, he may suddenly pass away anytime, including as a result of suicide or self-harm; or that his physical or mental health may have been or may be seriously and irreversibly harmed.

While we do not wish to prejudge the accuracy of the above-mentioned allegations, we are alarmed by Mr. Ryan Corbett's alleged prolonged deprivation of liberty and the conditions in which he is held which, in light of his reportedly declining health status and claimed lack of access to adequate medical care, pose a serious and increasingly imminent threat to his life and health, thus placing him at risk of extremely dangerous, irreversible harm, and even fatal consequences.

We recall that persons deprived of liberty, regardless of their nationality, must always be treated in a humane manner and with respect for their inherent dignity. They shall always have access, *inter alia*, to effective legal representation and adequate medical care; prompt judicial review of their initial and continuing deprivation of liberty; remedies for any violations; and have the possibility to communicate with a lawyer of choice, their relatives and to be visited by independent human rights monitoring bodies. In case of foreigners, they shall also be promptly informed of their right to communicate with a consular post or the diplomatic mission of the State of which they are nationals.

All persons, Afghans and foreigners, deprived of liberty have the right to be informed at the time of arrest of the reasons for their arrest, and subsequently of any charges brought against them. Reportedly, Mr. Corbett has not been charged with a crime, which may amount to arbitrary detention.

We stress that inadequate conditions of detention and standards of treatment would constitute violations of the prohibition of cruel, inhuman or degrading treatment or punishment, or even torture. When such conditions are seriously

inadequate, as it is alleged in the present case, they may further present an immediate or longer-term danger to life. Furthermore, an additional degree of vigilance is required for detainees with signs of increased risk of suicide or self-harm, as reportedly shown by Mr. Corbett. We also recall that solitary confinement may only be imposed in exceptional circumstances, it being regarded as a form of torture when it exceeds 15 consecutive days, and never on a successive basis.

Based on this, we warn against the risk that the reported allegations, if established, could amount to a violation of Mr. Corbett's right to life, protected by article 3 of the Universal Declaration of Human Rights (UDHR) and article 6 of the International Covenant on Civil and Political Rights (ICCPR), acceded to by Afghanistan in 1983; his right to be free from torture or other cruel, inhuman or degrading treatment or punishment, including the requirement of humane treatment in detention, protected by article 5 of the UDHR, articles 7 and 10 of the ICCPR, and articles 1, 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), ratified by Afghanistan in 1987; as well as of the right to the enjoyment of the highest attainable standard of physical and mental health, recognised in article 12 of the International Covenant on Economic, Social and Cultural Rights, also acceded to by Afghanistan in 1983.

We wish to stress that the obligation to respect and ensure the right to life extends to reasonably foreseeable threats and life-threatening situations that can result in loss of life even if such threats and situations do not result in loss of life.

Likewise, we wish to emphasize that the prohibition of torture and other cruel, inhuman or degrading treatment or punishment is absolute and non-derogable, for all persons, Afghans and foreigners. No circumstances, no matter how exceptional they may be, can ever justify torture or ill-treatment nor any form of impunity for such acts (article 4(2) of the ICCPR; article 2(2) and (3) of the CAT).

Lastly, we consider that the above-mentioned allegations raise issues concerning potential violations of Mr. Corbett's right to liberty and security of the person, which includes the prohibition of arbitrary detention, protected by articles 9 of the UDHR and the ICCPR respectively; as well as the right to due process and fair trial, established in article 10 of the UDHR and 14 of the ICCPR.

In light of the above, we respectfully request that Mr. Ryan Corbett be provided with urgent, adequate and comprehensive medical care, treatment and monitoring of his health situation, as appropriate, in a civil hospital. We stress that time is of the essence.

We also respectfully call for a prompt, effective investigation, review and assessment of the circumstances of the arrest and continued deprivation of liberty of Mr. Corbett. Should it be found that he is being arbitrarily deprived of liberty, or in a manner inconsistent with international human rights standards, he should be released unconditionally, without delay.

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, we would appreciate a response on the initial steps taken to safeguard the rights of the above-mentioned person(s) in

compliance with international instruments.

As 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, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide updated and detailed information on the present state of physical and mental health of Mr. Ryan Corbett. Please explain what measures have been taken, or may be envisaged to be adopted, to protect his life and preserve his health and well-being, including timely access to adequate medical care.
3. Please provide detailed and updated information on Mr. Corbett's conditions of deprivation of liberty and please assess them against international human rights law and standards, in particular the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment, including the requirement of humane and dignified treatment in detention. Please also explain how they are compatible with Mr. Corbett's right to life; right to liberty and security; and the right to due process and fair trial. Should they be not in alignment, please explain the steps that have been taken to remedy and improve the conditions in which Mr. Corbett is held. Please explain whether there has been any investigation in this regard, as required by international law, and please provide the results of it, including in terms of accountability of persons possibly found responsible of any violation.

While awaiting a reply, we 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.

We are considering to publicly expressing our concerns in the near future as we are of the view that the information at hand is sufficiently reliable to indicate a matter warranting immediate attention. Any public statement on our part will indicate that we have been in contact with you to clarify the issue/s in question.

This communication and any response received from you will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

We would also like to inform you that after having transmitted to you the information contained in the present communication, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. You are required to respond separately to the communication and the regular procedure.

Please be informed that a copy of this letter will also be sent to the Permanent Mission of the Islamic Republic of Afghanistan and to the Permanent Mission of the United States of America, in Geneva. Communications transmitted to *de facto* authorities do not in any way imply the expression of any opinion concerning the legal status of any territory, city or area, or of its authority.

Please accept, Mr. Muttaqi, the assurances of our highest consideration.

Alice Jill Edwards
Special Rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment

Richard Bennett
Special Rapporteur on the situation of human rights in Afghanistan

Ganna Yudkivska
Vice-Chair on Communications of the Working Group on Arbitrary Detention

Morris Tidball-Binz
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