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**STATEMENT BY MR. ANDREY KELIN,
PERMANENT REPRESENTATIVE OF THE RUSSIAN FEDERATION,
AT THE MEETING OF THE OSCE PERMANENT COUNCIL**

19 January 2012

Regarding the United States prison at Guantánamo

Mr. Chairperson,

In connection with the statement made on 10 January by Mr. Janez Lenarčič, Director of the OSCE Office for Democratic Institutions and Human Rights (ODIHR), I should like to note that we share the concern at the continuing practice of confining without trial at the special prison at the United States naval base at Guantánamo persons suspected of links with terrorists.

It is now just a few days over ten years since the arrival of the first inmates at this sadly well-known prison. Since then hundreds of detainees who have yet to be recognized as prisoners of war have passed through its chambers. Some 600 of them have been released after serving long sentences with no charges filed against them, 8 have died, 6 have been sentenced by military commissions and 171 continue to be held in a legal vacuum and in total ignorance as to the fate that awaits them. These include a Russian citizen also, Mr. Ravil K. Mingazov, who was arrested in 2002 in Pakistan.

This situation is without precedent in modern history, particularly when coupled with the fact that some 3,000 persons are being held in similar conditions in Afghanistan. It is regrettable that as a result of the passage in 2011 of the law on the ceiling on expenditures for national defence this practice has in the United States acquired normative legal status.

The provisions of that law substantially expand the possibilities for the White House and Pentagon to pursue persons suspected of terrorism without investigation or trial, confining them for what are virtually unlimited periods of detention. A separate section of the law deals with the prison at the Guantánamo naval base. On the one hand, the Secretary of Defense of the United States is instructed to formulate an official procedure for regulating the activities at that facility. On the other hand, a ban is introduced on funding the process of closing down that same special facility, in addition to which limitations are set on transferring persons detained there to third countries without informing the Congress. We know that these provisions have been criticized, including by many jurists in the United States itself.

However, these provisions may have negative international consequences as well. The law facilitates the wider extraterritorial application of United States criminal and counter-terrorism legislation with regard to the citizens of third countries. By expanding the powers of the military in the area of law enforcement and by permitting through its legislation detention for unlimited periods, the United States is violating its obligations under the International Covenant on Civil and Political Rights of 1966.

The practice of depriving a person of freedom without charging him or her and without ensuring his or her right to a fair trial within a reasonable period by an independent and impartial court runs counter also to the commitments assumed within the OSCE and to the standards of international humanitarian law.

We call on the ODIHR to continue to closely observe the situation as regards the rights of those detained at Guantánamo, and we urge our United States partners to reaffirm their commitment to the obligations they have assumed within the OSCE to ensure the rule of law, including by shutting down this odious prison.

And one final point. The concerns regarding Guantánamo have been widely discussed by a number of countries represented in the OSCE. We are familiar with the statements made by their official representatives. A high-ranking representative of the European Union has also publically expressed his attitude towards this problem. We take the position that what we have said here today is of concern to many others as well.

Thank you for your attention.