

## **The Charitable Institute for Social Victims – Individual UPR Submission – United States of America – November 2010-04-04**

### **About Institute**

1. The Charitable Institute for Social Victims is an independent, non-political, nongovernmental and non-profit organization with the registration number 10947, and has been active since 1998. The Institute is in special consultative status to ECOSOC and has also received the SGS standard.

2. The objective of the Institute is to tend to the problems of the deprived, eradication of poverty and provision of social justice for victims, groups that receive services from this Institute are: homeless men and women that are incapable and live in cardboard boxes, chronic mental patients, addicts and those with infectious diseases. This Institute is a professional care centre (services include: psychology, treatment, social services, psychiatry, and counselling and drugs rehab), which has developed on society's needs basis. We always have faith in God, respect human dignity, quality of services, honesty, answerable and attract people participation.

3. All the Institute's services to those that need them are free of charge. Several social projects have been conducted to-date which include: Ehsan Home (shelter for the homeless, chronic mental patients, and those that live in cardboard boxes), Hotel Arin (support centre for women in need), Reyhaneh House (runaway girls), Healthy Family Project (low literate women's family law and planning education project). The Institute also conducted a research in 2005 on the economic and social conditions of homeless men and women and those that sleep in cardboard boxes in Ehsan Home in Tehran. The Institute takes pride in claiming to have found shelter for 14,000 needy people.

4. The Institute publishes report of its activities quarterly. The Ranj Journal publication also includes useful social, educational materials and up-to-date news regarding social pathology. The Institute also has information brochures and a website for the general public, so that people can express their opinions about the Institute and for the Institute to benefit people's recommendations and suggestions.

The Institute's motto is a verse from the famous Iranian poet, Saadi that says:

The sons of Adam are limbs of each other  
Having been created of one essence.  
When the calamity of time afflicts one limb  
The other limbs cannot remain at rest.

### **Summary**

5. In spite of article 5 of the Universal Declaration of Human Rights which states: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment" by the adoption of warmongering polices and military aggression, the United States government constructed the Guantanamo detention facility following the war in Afghanistan and transferred over 1000 individuals from 40 countries to the detention facility under the pretext of suspected of cooperation and membership of the Taliban and Al Qaeda. The detainees were held in conditions which were in violation of all human and citizen's rights or prisoner of war. The United States government called them "unlawful combatants".

6. The US military continues to detain 800 prisoners in its military detention centres in Guantanamo and Afghanistan, without even trying them. The US government has not published enough reports and information regarding interrogation methods and the physical health of the detainees. The conditions under which the detainees are kept for a long time without a trial, has caused the international community's serious concern and criticism.

**Existing conditions:**

7. Currently there are around 200 detainees in Guantanamo and around 600 in Afghanistan under unclear conditions illegally and in contrary to US commitments to the Geneva Four Conventions. Many of these detainees, despite court decision to be set free are still in detention, and most of them have not been tried. This is while the Third Geneva Convention (1949) which considers protection and a set of rules for prisoners of war which include, charging, access to an appointed lawyer, opportunity to present the defence, prohibition on long term detention prior to the trial, and trial by a neutral and independent tribunal.

**Criminal or combatant:**

8. Most of the detainees in these detention facilities have not even been charged with anything, they are enemy combatants and according to international law they are not criminals, because they have not committed crimes such as rape or killing of civilians or surrounded enemies, all of which are punishable acts of crime.

9. Although enemy combatants are not criminal, but countries in conflict legally have the right to detain, interrogate or prevent their return to aggression. In these cases international law is clearly governs the conditions and length of detention, and protects detainees against any kind of treatment of behaviour towards them; but the US government refuses to recognise the detainees in Guantanamo in accordance with international law and legal commitments as a result of.

**Respect of human dignity:**

10. The fundamental principle of the Geneva Four Conventions is for non-combatants such as civilians, prisoners of war, sailors from sunken ships, deserve respecting of their human dignity, an must be protected and treated humanely.

11. According to the Third Geneva Convention (1949) combatants that are captured by the enemy are deemed as prisoners of war, all protection and support must be provided for them.

12. The United States traditionally recognises the protection of prisoners of war (as stated in the Third Geneva Convention of 1949). During the Vietnam, Korean and Persian Gulf wars the US military treated captured enemy soldiers in accordance to the convention and provided them with necessary protection, but this process was not applied in the Afghan liberation war.

**Unclear legal status:**

13. Despite claiming it respects the Geneva Four Conventions, the United States government refuses to recognise the detainees in Guantanamo Bay as prisoners of war, and instead it has given them unclear legal status.

14. The term unclear or uncertain does not have a status in the Third Geneva Convention, and the only justification the US government makes is that the detainees do not fall within the protection of the Third Geneva Convention (1949). Although clear reasons protect prisoners of war conditions, but the United States government is refusing to set up competent courts to solve the situation. This denial of the legal status of the detainees by America which is done to avoid the commitments that must be observed as stated in the Conventions, is the violation of the spirit of the Geneva Four Conventions.

**Recommendations:**

15. The denial of contractual commitments and customary law commitments by the United States, will result in states respect these principles less to such an extent that they are encouraged to forcing restrictions within civil liberties on the pretext of national security. And this issue will have dangerous consequences in the violation of the civil rights of citizens, the costs of which will not just affect societies but all international law mechanism. Therefore the international community's will, the Human Rights Council in particular is the majority of the consensus of states in the prevention of international law violations, the reduction of moral and material costs will also follow.

16. The United States government must provide full protection as stated in the Geneva Four Conventions for the Guantanamo Bay and Afghanistan detainees. If prisoners of war have committed crimes, they must be treated as criminals. The Geneva Four Conventions state that fundamental formalities must be respected.

17. The detainees must be prosecuted by independent and fair courts so that their unclear legal status is resolved.

18. In a quick action, a competent authority must investigate claims of physical, sexual and emotional abuse committed against the detainees, and the perpetrators of these treatments that include high ranking officers and or have participated themselves must be investigated and prosecuted by official and competent authorities.