



## **United States Mission to the OSCE**

### **Session 12: Rule of Law Right of Reply**

As delivered by Ambassador Michael Kozak, Head of Delegation  
at the 2017 OSCE Human Dimension Implementation Meeting  
Warsaw, September 19, 2017

First, all U.S. military detention operations, including those at Guantanamo Bay, comply with Common Article 3 of the Geneva Conventions and other applicable international laws. U.S. Law requires that any U.S. government department or agency provide the ICRC with notification of, and prompt access to, any individual detained in any armed conflict in the custody or effective control of the US government. We reiterate that torture, and cruel, inhuman, or degrading treatment or punishment are categorically prohibited under U.S. domestic and international law. These prohibitions exist everywhere and at all times. All Guantanamo Bay detainees have the ability to challenge the lawfulness of their detention in U.S. Federal court through a petition for a writ of habeas corpus. Detainees may also challenge certain types of conditions of their confinement through habeas. Detainees have access to counsel and to appropriate evidence to mount such a challenge before an independent court. Except in rare instances, all of the evidence relied upon by the government in habeas proceedings to justify detention is disclosed to detainees counsel. The United States has the burden in these cases to establish its legal authority to hold the detainees.

Second, we do not, nor will we ever, recognize Russia's purported annexation of Crimea.

Third, this dialogue with civil society is undermined when governments use civil society seats to speak on their own behalf.

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