

Center for the Victims of Torture

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

<https://www.justsecurity.org/69468/guantanamos-covid-19-precautions-must-safeguard-detainees-rights/>

Public Facing Advocacy Writing

by [Scott Roehm](#)

March 31, 2020

[Coronavirus](#), [detainee treatment](#), [Guantanamo](#), [torture](#)

by [Scott Roehm](#)

March 31, 2020

My colleague Daphne Eviatar wrote an excellent [piece](#) last week about the human rights implications of a war against COVID-19, in which she rightly observed that [t]he half a billion dollars spent per year to run an offshore prison for 40 men denied fair charges or trials would surely be better put to use providing truly essential services in a time of national crisis. Of course, Daphne was referring to the detention facility at Guantanamo Bay.

But what happens when COVID-19 arrives at Guantanamo? Sadly, that's already happened: The first case of COVID-19 was [reported](#) on March 24. A member of the U.S. Navy stationed at the base tested positive. And while the sailor is apparently not involved in detention operations, the virus local presence, coupled with certain measures that the Defense Department is undertaking to prevent a larger outbreak, endanger both the detainees and the already limited rights they have been afforded.

The 40 prisoners who remain at Guantanamo are [aging and their health is increasingly deteriorating](#), making them particularly vulnerable to the virus. For example, Saifullah Paracha is 72 years old, has had two heart attacks, and [currently suffers](#) from diabetes, coronary artery disease, diverticulosis, gout, psoriasis and arthritis. Nashwan al-Tamir has had four spinal surgeries in the last 18 months, has still not fully recovered, and continues to suffer. [Sharqawi Al Hajj](#) whom independent medical experts have previously described as at risk of total bodily collapse due to a combination of the effects of his hunger strikes and CIA torture [attempted suicide](#) late last year and his health has again significantly deteriorated (to the point that my organization and Physicians for Human Rights [wrote today](#) to Defense Secretary Esper seeking emergency intervention). The list goes on.

There is also the physical and psychological debilitation associated with nearly two decades of indefinite detention that cuts across the detainee population, as well as the reality that many of the remaining detainees are torture survivors suffering resulting physical and/or psychological damage.

Were COVID-19 to strike this population the consequences could be catastrophic, especially given Guantánamos [well documented](#) lack of medical capabilities including insufficient equipment and expertise to address atypical health needs.

But even if the virus does not reach the detainees, some of the precautions that Guantanamo is taking absent efforts to mitigate aspects of their impact could at once undermine detainees rights and jeopardize their health.

A prime example is access to counsel, which is now severely restricted due to the virus. In-person visits are essentially impossible; even if counsel were able to find a way to fly to Guantanamo, they would be required to self-quarantine for two weeks upon arrival, then for another two weeks upon return to the mainland. Attorneys cannot represent their clients if the effective price of a single client visit is four weeks of lost or reduced ability to provide them with legal services, not to mention the risks to their own health. Moreover, the legal mail courier service to and from Guantanamo was recently suspended, and while temporary measures have been put in place, there will be an impact on both the privilege and frequency of legal mail to detainees. Finally, remote access is extremely limited (especially for the high value detainees) not because it's technically infeasible, but because the Defense Department has prohibited more widespread use.

Counsel access restrictions can also have negative consequences for detainees health, exacerbating pre-existing conditions that Guantanamo has proven over time either unable or unwilling to adequately address, and all but eliminating access to independent medical experts.

Mr. Al Hajj, mentioned above, is a case in point. In August of last year, [he cut his wrists](#) with a piece of broken glass during a telephone call with counsel. He threatened additional self-harm shortly thereafter. At the time, two independent psychologists with whom Mr. Al Hajj's counsel consulted characterized him as actively suicidal. According to Mr. Al Hajj and his counsel, while his care would eventually improve, Guantanamo staffs initial response was dangerously inadequate; Mr. Al Hajj alleges that he was moved to isolating conditions in a freezing cold cell, and refused a warm blanket and warm clothes, both against the recommendations of his doctors at Guantanamo.

Mr. Al Hajj is apparently again in crisis now, but this time with minimal ability to communicate with the outside world. As a [torture survivor](#), and especially given his mental health history, Mr. Al Hajj needs trusted human connections. He cannot form those connections with Guantanamo staff [a phenomenon that is common among detainees](#) both because the United States is responsible for his torture, and because U.S. medical personnel were complicit in torture, including at Guantanamo. This increased level of isolation may well accelerate his decline.

Current restrictions will also put an end to periodic visits by independent medical experts, for the minority of detainees who continue to be seen periodically. As I explained [here](#) previously, detainees have not been able to retain independent medical experts except through litigation, and so those experts access is dependent upon counsels access.

None of this is to say that the Defense Department shouldnt take reasonable and appropriate steps, consistent with public health experts recommendations, to protect everyone at Guantanamo from exposure to COVID-19. But they dont need to further infringe upon detainees rights in the name of health and safety. For starters, the Defense Department should, immediately:

Some of these may seem like drastic measure to those who are well-versed in Guantanamos history, but they arent. Theyre reasonable and sensible steps toward safeguarding detainees rights, their health, and the health of everyone at Guantanamo in the face of the COVID-19 pandemic.

**Per section 1046 of the FY2020 NDAA, all detainees must receive evaluation and treatment that is accepted by medical experts and reflected in peer-reviewed medical literature as the appropriate medical approach for a condition, symptoms, illness, or disease and that is widely used by healthcare professionals.*

[Coronavirus](#), [detainee treatment](#), [Guantanamo](#), [torture](#)

All-source, public repository of congressional hearing transcripts, government agency documents, digital forensics, social media analysis, public opinion surveys, empirical research, more.

by [Brianna Rosen](#)

Oct 25th, 2022

by [Ambassador Juan Manuel Gmez-Robledo Verduzco](#)

Oct 24th, 2022

by [Cathryn Grothe](#)

Oct 21st, 2022

by [Steven J. Barela](#)

Oct 20th, 2022

by [Douglas London](#)

Oct 18th, 2022

by [Luke Hartig](#)

Oct 17th, 2022

by [Jonathan Leader Maynard](#)

Oct 14th, 2022

by [Oona A. Hathaway](#)

Oct 11th, 2022

by [Amanda L. White Eagle](#)

Oct 10th, 2022

by [Muhammad Kamal](#)

Oct 7th, 2022

by [Richard Dicker](#) and [Paloma van Groll](#)

Oct 6th, 2022

by [Naomi Kikoler](#) and [Sarah McIntosh](#)

Oct 6th, 2022

by [Jens Iverson](#)

Oct 5th, 2022

by [Jens Iverson](#)

Oct 5th, 2022

by [John K. Glenn](#)

Oct 4th, 2022

by [Ryan Goodman](#) and [Clara Apt](#)

Sep 29th, 2022

by [Jennifer Trahan](#)

Sep 26th, 2022

by [Jennifer Trahan](#)

Sep 26th, 2022

by [Norman L. Eisen](#) and [Fred Wertheimer](#)

Sep 26th, 2022

by [Just Security](#)

Sep 24th, 2022

by [Astrid Reisinger Coracini](#)

Sep 23rd, 2022

by [Astrid Reisinger Coracini](#)

Sep 23rd, 2022

by [Ambassador H.E. Juan Ramn de la Fuente](#) and [Pablo Arrocha Olabuenaga](#)

Sep 23rd, 2022

by [Katherine Fang](#) and [Clara Apt](#)

Sep 22nd, 2022

by [E. Danya Perry](#), [Joshua Stanton](#) and [Norman L. Eisen](#)

Sep 21st, 2022

by [Ambassador John E. Herbst](#)

Sep 21st, 2022

by [Richard Gowan](#)

Sep 20th, 2022

by [Richard Gowan](#)

Sep 20th, 2022

by [Oona A. Hathaway](#)

Sep 20th, 2022

by [Oona A. Hathaway](#)

Sep 20th, 2022

by [Marc Sommers](#)

Sep 19th, 2022

by [Ambassador Thomas Graham Jr.](#)

Sep 16th, 2022

by [Aryeh Neier](#)

Sep 14th, 2022

by [Eian Katz](#)

Sep 13th, 2022

by [Sam Cohen](#)

Sep 12th, 2022

by [Just Security](#)

Sep 10th, 2022

by [Michael Stern](#)

Sep 9th, 2022

by [Tess Bridgeman](#) and [Brian Finucane](#)

Sep 8th, 2022

by [Sophie Richardson](#)

Sep 8th, 2022

by [Ryan Goodman](#) and [Justin Hendrix](#)

Sep 7th, 2022

by [Laurence H. Tribe](#), [Philip Lacovara](#) and [Dennis Aftergut](#)

Sep 6th, 2022

by [Just Security](#)

Sep 3rd, 2022

by [Jumaina Siddiqui](#)

Sep 2nd, 2022

by [Peter Devine](#)

Sep 1st, 2022

by [Shaharзад Akbar](#)

Aug 31st, 2022

by [Ambassador M. Ashraf Haidari](#)

Aug 30th, 2022

by [George Croner](#)

Aug 29th, 2022

by [Douglas London](#)

Aug 29th, 2022

by [Michael Stern](#)

Aug 28th, 2022

by [Just Security](#)

Aug 27th, 2022

by [Virginia Canter](#) and [Gabe Lezra](#)

Aug 26th, 2022

by [Fionnuala N Aolin](#)

Aug 25th, 2022

by [Gaiane Nuridzhanian](#)

Aug 24th, 2022

by [Ezequiel Heffes](#)

Aug 24th, 2022

by [Gaiane Nuridzhanian](#)

Aug 24th, 2022

by [James A. Goldston](#)

Aug 23rd, 2022

by [Ambassador \(ret.\) Lee Wolosky](#)

Aug 22nd, 2022

by [Just Security](#)

Aug 20th, 2022

by [Ximena Casas Isaza](#) and [Catalina Martinez](#)

Aug 19th, 2022

by [Ryan Goodman](#)

Aug 18th, 2022

by [William S. Dodge](#)

Aug 18th, 2022

by [Faiza Patel](#) and [Spencer Reynolds](#)

Aug 17th, 2022

by [J. William Leonard](#)

Aug 16th, 2022

by [Genevieve Nadeau](#) and [Helen White](#)

Aug 16th, 2022

by [Albert W. Alschuler](#)

Aug 16th, 2022

by [Shabana Basij-Rasikh](#)

Aug 16th, 2022

by [Nasir A. Andisha](#) and [Marzia Marastoni](#)

Aug 15th, 2022

by [Just Security](#)

Aug 13th, 2022

by [Karima Bennouna](#)

Aug 12th, 2022

by [Nicholas Rasmussen](#) and [Sarah Kenny](#)

Aug 12th, 2022

by [Liz Hempowicz](#)

Aug 11th, 2022

by [Asha Rangappa](#), [Norman L. Eisen](#) and [Bradley P. Moss](#)

Aug 9th, 2022

by [Julie Owono](#)

Aug 9th, 2022

by [Khalid Aljabri](#)

Aug 8th, 2022

by [Just Security](#)

Aug 4th, 2022

by [Clara Apt](#)

Aug 1st, 2022

by [Just Security](#)

Jul 30th, 2022

by [Sang-Min Kim](#)

Jul 29th, 2022

by [Joseph Nunn](#) and [Elizabeth Goitein](#)

Jul 28th, 2022

by [Lawrence Woocher](#)

Jul 25th, 2022

by [Viola Gienger](#)

Jul 23rd, 2022

by [Just Security](#)

Jul 23rd, 2022

by [Noah Bookbinder](#), [Norman L. Eisen](#), [Fred Wertheimer](#), [Donald Simon](#), [Jason Powell](#), [Debra Perlin](#), [Colby Galliher](#) and [Madison Gee](#)

Jul 21st, 2022

by [Albert W. Alschuler](#)

Jul 21st, 2022

by [Salah Ben Hammou](#) and [Avery Reyna](#)

Jul 20th, 2022

by [Dario Cristiani](#)

Jul 19th, 2022

by [Ryan Goodman](#)

Jul 19th, 2022

by [Norman L. Eisen](#), [Noah Bookbinder](#), [Fred Wertheimer](#), [Donald Simon](#), [Jason Powell](#), [Debra Perlin](#), [Colby Galliher](#), [Madison Gee](#) and [Taylor Redd](#)

Jul 18th, 2022

by [Ryan Goodman](#)

Jul 18th, 2022

by [Just Security](#)

Jul 16th, 2022

by [Douglas London](#)

Jul 15th, 2022

by [Nasir A. Andisha](#) and [Hamid A. Formuli](#)

Jul 14th, 2022

by [Tess Bridgeman](#)

Jul 13th, 2022

by [Kristine Beckerle](#) and [Ali Jameel](#)

Jul 13th, 2022

by [Ambassador P. Michael McKinley \(ret.\)](#)

Jul 12th, 2022

by [Ryan Goodman](#), [Justin Hendrix](#) and [Clara Apt](#)

Jul 11th, 2022

by [Bradley Honigberg](#)

Jul 8th, 2022

by [Alexandra Stark](#)

Jul 7th, 2022

by [W. Neil Eggleston](#)

Jul 5th, 2022

by [Just Security](#)

Jul 2nd, 2022

by [Karl Mihn](#), [Justin Cole](#), [Iva Petkova](#), [Margaret Shields](#), [Mari Dugas](#), [Nicholas Tonckens](#) and [Tess Bridgeman](#)

Nov 19th, 2021

by [Karl Mihn](#), [Jacob Apkon](#) and [Sruthi Venkatachalam](#)

Sep 29th, 2022

by [Tess Bridgeman](#) and [Brianna Rosen](#)

Mar 24th, 2022

by [Megan Corrarino](#)

Feb 18th, 2022

by [Mary B. McCord](#)

Jan 24th, 2022

by [Emily Berman](#), [Tess Bridgeman](#), [Megan Corrarino](#), [Ryan Goodman](#) and [Dakota S. Rudesill](#)

Jan 20th, 2022

by [Laura Brawley](#), [Antara Joardar](#) and [Madhu Narasimhan](#)

Oct 29th, 2021

by [Leila Nadya Sadat](#)

Sep 13th, 2021

by [Tess Bridgeman](#), [Rachel Goldbrenner](#) and [Ryan Goodman](#)

Sep 7th, 2021

by [Just Security](#)

Jul 19th, 2021

by [Kate Brannen](#)

Jun 30th, 2021

by [Fionnuala N Aolin](#) and [Kate Brannen](#)

Jun 14th, 2021

by [Steven J. Barela](#) and [Mark Fallon](#)

Jun 1st, 2021

by [Christine Berger](#)

May 29th, 2021

by [Beth Van Schaack](#)

Feb 1st, 2021

by [Beth Van Schaack](#) and [Chris Moxley](#)

Nov 16th, 2020

by [Oona A. Hathaway](#), [Preston Lim](#), [Mark Stevens](#) and [Alasdair Phillips-Robins](#)

Nov 10th, 2020

by [Emily Berman](#), [Tess Bridgeman](#), [Ryan Goodman](#) and [Dakota S. Rudesill](#)

Oct 14th, 2020

by [Cristina Rodriguez](#) and [Adam Cox](#)

Oct 12th, 2020

by [Scott Roehm](#), [Rita Siemion](#) and [Hina Shamsi](#)

Sep 11th, 2020

by [Matiangai Sirleaf](#)

Jul 13th, 2020

by [Catherine O'Rourke](#)

Oct 21st, 2020

by [Sarah Knuckey](#) and [Jayne Huckerby](#)

May 27th, 2020

by [Tess Bridgeman](#) and [Ryan Goodman](#)

Sep 12th, 2019

by [Just Security](#)

Jan 28th, 2019

by [Marty Lederman](#)

Oct 25th, 2018

by [Erik Dahl](#)

Jun 7th, 2022

by [Justin Hendrix](#), [Nicholas Tonckens](#) and [Sruthi Venkatachalam](#)

Aug 29th, 2021

by [Ryan Goodman](#) and [Juilee Shivalkar](#)

Aug 8th, 2021

by [Kate Brannen](#) and [Ryan Goodman](#)

May 11th, 2021

by [Atlantic Council's DFRLab](#)

Feb 10th, 2021

by [Ryan Goodman](#), [Mari Dugas](#) and [Nicholas Tonckens](#)

Jan 11th, 2021

by [Ryan Goodman](#) and [Danielle Schulkin](#)

Nov 3rd, 2020

by [Chris Shenton](#)

Aug 24th, 2020

by [Ryan Goodman](#) and [Danielle Schulkin](#)

Jul 27th, 2020

by [Ryan Goodman](#) and [Julia Brooks](#)

Mar 11th, 2020

Washington Director of the Center for Victims of Torture. Chair of the Board of Directors for Refugee Council USA.

[Send A Letter To The Editor](#)

by [Joseph Margulies](#)

Oct 13th, 2022

by [Michael Fakhri](#)

Sep 22nd, 2022

by [Terry Rockefeller](#)

Jul 1st, 2022

by [Eleanor Acer](#)

Jul 1st, 2022

by [My Khanh Ngo](#) and [Shaw Drake](#)

Jun 24th, 2022

by [Nasir A. Andisha](#) and [Hamid A. Formuli](#)

Apr 22nd, 2022

by [Edgar Chen](#)

Mar 23rd, 2022

by [Edgar Chen](#)

Mar 23rd, 2022

by [Reed Brody](#) and [Salieu Taal](#)

Mar 14th, 2022

by [Joseph Margulies](#)

Mar 11th, 2022

by [Kent Roach](#)

Feb 14th, 2022

by [Roger Lu Phillips](#) and [Aweiss Al Dobouch](#)

Feb 4th, 2022

Just Security is based at the Reiss Center on Law and Security at New York University School of Law.