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The Human Rights Council

*“Discussing Human Rights Violations along with Detainee
and Prisoner Rights with regard to the Operations at
Guantanamo Bay”*

Background Guide

INDEX

1. Letter from the Executive Board.....	3
2. Introduction to the Committee.....	4
3. Brief about the Agenda	
a) History of the Agenda.....	6
b) The Current Scenario.....	10
c) Key Players.....	11
4. Questions a Resolution Must Answer (QARMA).....	21
5. Research Guidance.....	22

1. Letter from the Executive Board

Greetings delegates, and welcome to the United Nations Human Rights Council!

The UNHRC is a specialized agency within the United Nations system dedicated to advancing and safeguarding human rights globally. To effectively promote human rights, the Council must actively collaborate with States to address their unique priorities and obstacles within their individual contexts. With a broad mandate, we are equipped to address human rights issues worldwide, while also fostering collaboration with civil society members to advocate for human rights at the local level.

The issue of Guantanamo Bay prison is one that has been a stain on the blanket of basic human rights and still plagues human rights experts, nations and organizations that strive for upholding detainee and prisoner rights and ensuring those treated unfairly get the justice they deserve. The primary issue, however, is much more complex and will require all delegates to bring detailed research and highlight the nuances contained in different aspects while debating about the operations of and remedies for the Guantanamo Bay site.

Hence the set agenda for us is one that is a matter of grave concern and that needs further concrete solutions, so we hope your preparation is adequate.

Please feel free to ask us any questions about the agenda or committee at any point during the sessions because that will help you to do your best and gain clarity of how the proceedings move. Remember that this guide is supposed to help you understand the agenda and is a foundation for you to do further research and dive deep into the agenda so please don't limit yourself to this document, rather think of it as a starting point.

We wish you the best of luck!

Kabir Kapoor Aryan Mullick (Chair) (Vice Chair)

2. Introduction to the Committee

The Human Rights Council, established in 2006 by the General Assembly, is the primary intergovernmental body responsible for human rights within the United Nations. Its main objective is to enhance the promotion and protection of human rights worldwide. Composed of 47 Member States, the Council serves as a platform for addressing human rights violations and country-specific situations. It actively responds to emergencies related to human rights and provides recommendations for the effective implementation of human rights on the ground.

To fulfil its mandate, the Council receives substantial support from the Office of the High Commissioner for Human Rights (OHCHR), which provides expertise, technical assistance, and

administrative assistance. The Human Rights Council replaced the former United Nations Commission on Human Rights, aiming to strengthen the global efforts towards safeguarding human rights.

From 2006 to 2023, the Human Rights Council has achieved significant milestones:

Conducted 54 regular sessions.

Organised 36 special sessions.

Engaged in 9 urgent debates.

Adopted 1,481 resolutions.

Established 60 Special Procedures mandates.

Established 38 commissions of inquiry and fact-finding missions.

123 out of the 193 UN Member States have served on the Council, demonstrating broad participation and engagement

Functions:

The council functions as a global platform for discussions on human rights matters with UN officials, mandated experts, states, civil society, and other stakeholders, and during regular sessions, it passes resolutions or decisions that reflect the international community's stance on specific human rights issues or situations. The adoption of a resolution sends a powerful political message that can urge governments to address those situations.

The Council:

Convenes special sessions, known as crisis meetings, to address urgent human rights crises. To date, 36 special sessions have been held;

Conducts reviews of the human rights records of all UN Member States through the Universal Periodic Review;

Appoints independent human rights experts, known as Special Procedures, to monitor situations in particular countries or focus on specific themes on behalf of the Council;

Empowers commissions of inquiry and fact-finding missions to gather compelling evidence on war crimes and crimes against humanity.

Mechanisms and Entities:

The Human Rights Council is composed of various mechanisms and entities, as outlined in the Council's 'Institution-building package' (Resolution 5/1) of 2007. These encompass:

The Universal Periodic Review (UPR), which is a State-led mechanism that regularly

evaluates the human rights situations of all United Nations Member States. The Special Procedures consist of individuals or groups not employed by the UN. They address topics such as education, health, freedom of speech, and human trafficking, as well as specific country situations like Ukraine, DPRK, Eritrea, and Iran, among others. The Advisory Committee acts as the Council's intellectual resource, offering expertise and advice on thematic human rights issues. The Complaint Procedure enables individuals and organisations to bring human rights violations to the attention of the Human Rights Council. Additionally, there are several other mechanisms, including platforms for dialogue and groups dedicated to the development of legal human rights instruments.

3. Brief about the Agenda

(a) The History of the Agenda

The Guantánamo Bay Naval Base, situated on the southeastern coast of Cuba, is a highly controversial U.S. enclave. Within this base lies the Guantánamo Bay detention camp, commonly known as "Gitmo." Its construction began in 2002 and it quickly became a focal point of global condemnation following the 9/11 attacks.

Originally intended as a holding facility for suspected Al-Qaeda operatives and Taliban fighters captured in Afghanistan and other locations, Guantánamo soon became synonymous with human rights abuses. The controversy centred around the U.S. government's claim that the detainees, labelled as "unlawful enemy combatants," were not entitled to the protections outlined in the Geneva Conventions. This allowed for the circumvention of legal safeguards typically granted to prisoners, raising concerns about indefinite detention and the use of severe interrogation methods, some of which amounted to torture.

The legal landscape surrounding Guantánamo became a battleground. The Bush administration established military commissions to prosecute the detainees, but these were initially deemed flawed by the Supreme Court. However, the court later reinstated the legality of the commissions while

also granting detainees the right to challenge their detentions in federal courts. This ongoing back-and-forth reflected the deep political and philosophical divisions regarding the purpose of the camp and the treatment of its inmates.

International condemnation of Guantánamo was relentless, with organisations such as Amnesty International and the Red Cross leading the charge. Allegations of torture and inhumane treatment reverberated globally, tarnishing the reputation of the United States. Despite the Bush administration's insistence that detainees were treated humanely, they eventually admitted to employing "enhanced interrogation techniques" that ultimately resulted in the dismissal of charges against a key individual involved in the 9/11 attacks.

Timeline:

2002

- January 11: The first 20 detainees are received at the Guantanamo Bay Camp. -
- January 18: Visits by the International Committee of the Red Cross commence.
- January 27: Vice President Dick Cheney characterises the detainees as "the worst of a very bad lot."
- February 21: A US federal judge dismisses the challenge to Guantanamo detentions. -March 21: The Bush administration announces regulations for military tribunals.
- April 25: Construction of Camp Delta, a permanent facility, is finalised.
- August 1: A memo from the US Department of Justice suggests the authorization of "enhanced interrogation techniques."
- November 10: The US Supreme Court agrees to hear appeals from Guantanamo detainees.

2003

- March 11: A federal appeals court rules that Guantanamo detainees have no US legal rights.
- May: The population of detainees reaches 680.

- July 3: President Bush designates six detainees for the first military tribunals since WWII.
- November 10: The US Supreme Court agrees to hear appeals from Guantanamo detainees.

2004

- January 12: Military lawyers criticise the tribunal rules as unconstitutional. -
- February 23: The first charges are brought against detainees.
- June 28: The Supreme Court rules that federal courts can decide the legality of detainee imprisonment.
- July 7: The Pentagon establishes Combatant Status Review Tribunals (CSRTs).

2005

- March 29: The CSRT process concludes, with some detainees being deemed "no longer enemy combatants."
- June 29: The Supreme Court rules that military commissions are unlawful under international law.

2006

- June 12: The Supreme Court rules that detainees have the right to challenge their detention in US courts.
- July 12: President Bush acknowledges that the Geneva Conventions apply to detainees. -
- October 17: The Military Commissions Act strips detainees of their habeas corpus rights.

2007

- March 18: UK residents cleared for release face indefinite detention. -
- May 20: Murat Kurnaz testifies before the US Congress as an ex-detainee.

2008

- November 16: President-elect Barack Obama vows to close Guantanamo.

2009

- January 22: Obama orders closure of Guantanamo within one year. -May

15: Inmate Lakhdar Boumediene transferred to France.

-June 9: Detainee Ahmed Ghailani transferred to the US mainland for trial.

2010

- January 22: Justice Department determines some detainees to be held indefinitely.

2011

- March 7: Obama signs executive order to resume military trials.

- April 24: WikiLeaks releases classified files revealing prolonged detentions.

2013

- March 12: Inmates begin hunger strikes protesting conditions.

- June 11: Youngest detainee, Mohammed el Gharani, released.

2015:

- September 26: Last British resident Shaker Aamer released.

2016:

- February 23: Obama proposes plan to close Guantanamo, faces opposition.

2017:

- January 30: President Trump signs executive order to keep Guantanamo open.

2020:

- January 20: President Biden expresses intent to close Guantanamo.

2021:

- October 29: Detainee offers first public account of torture in US court.

2023:

- Ongoing: Guantanamo remains operational, efforts to close continue under Biden administration amidst legal and political challenges.

(b) The Current Scenario

As of 2024, Guantanamo Bay holds 30 detainees, including 16 who have been cleared for release but remain imprisoned due to various administrative and diplomatic challenges. President Joe Biden has reiterated his commitment to closing the facility, a goal shared by previous administrations, but progress has been slow. While some detainees have been transferred, the complexities of international diplomacy and security concerns have impeded the swift resolution of detainee statuses. The administration is working within these constraints to negotiate the safe transfer of detainees to host countries willing to accept them.

Organisations such as the Center for Constitutional Rights (CCR) and Amnesty International have persistently advocated for the closure of Guantanamo Bay. Their efforts include legal challenges, public awareness campaigns, and lobbying for policy changes. Landmark cases like *Rasul v. Bush* and *Boumediene v. Bush* have affirmed the rights of detainees to challenge their detention in U.S. courts. These advocacy groups continue to highlight the human rights abuses occurring at Guantanamo, pushing for fair treatment and justice for detainees. The CCR has been instrumental in organising a network of pro bono lawyers to represent the detainees.

Reports from former detainees, human rights organizations, and international bodies like the UN have documented severe conditions at Guantanamo Bay, including physical and psychological torture, inadequate medical care, and harsh detention environments. These allegations underscore the long-term impact on detainees' physical and mental health. Advocates argue that the continued operation of Guantanamo violates international human rights standards and perpetuates a system of abuse. The facility remains a potent symbol of contentious U.S. counterterrorism policies and ongoing ethical debates.

The international community has exerted significant pressure on the U.S. to close Guantanamo Bay and resolve the detainees' statuses. Efforts to transfer detainees to third countries have been complicated by political and logistical issues, often resulting in delayed or problematic resettlements. Some detainees transferred to other countries have faced further restrictions and surveillance, raising concerns about the humanitarian impact of these resettlements. Diplomatic negotiations continue to be a critical aspect of addressing the remaining detainee population, but the process is fraught with challenges that hinder swift and effective resolutions.

(c) The Key Players

USA: In the immediate aftermath of 9/11, to show its people and the world that the USA was doing its utmost to bring perpetrators to justice, the Bush administration launched the “War on terror” which included Operation Enduring Freedom- designed to capture the perpetrators and “terrorists”. But finding them also came with the logistical and political challenge of where to keep them. With the “War on Terror” came the USA’s “enhanced interrogation techniques” which required a space where the detainees did not enjoy the same rights as what they would receive on US soil. The US would need to find a space which, ‘Was the legal equivalent of Outer Space.’ And since the detainees were classified as “prisoners of war” and not criminals, this provided the Bush administration with increased flexibility. To deal with even less accountability, the prisoners were labelled as “unlawful combatants”, which pushed them out of the protection of the 1949 Geneva Convention.

The US naval base at Guantanamo Bay, Cuba, had all the advantages but none of the drawbacks or complications of the other sites which were previously considered. Not only was it offshore, and therefore met the requirements of a “legal black hole”, but it had previously been a detention centre. Once Guantanamo was chosen as the long-term “legal equivalent of outer space”, and the forever home for forever prisoners, locked up in limbo without charge or trial, the notorious Camp X-Ray was re-established and prepared for the arrival of the first group of detainees on January 11, 2002. Under the Bush Administration, after multiple allegations of human rights abuses, and the alleged suicides of three detainees, 500 of the detainees were transferred out of prison or released.

With the coming of the new democratic government, the Obama administration promised the closure of Guantanamo Bay. Obama initially promised to close Guantanamo Bay within a year of entering the White House in 2009. Two days after he was sworn in as president, he signed an executive order mandating a review of the cases of all the detainees. The order also called for the closure of the detention facility.

In 2010, a task force concluded that 156 detainees were cleared to be transferred to foreign countries. 197 detainees were transferred, repatriated or resettled in third countries. But Guantanamo Bay was not closed and with the new Trump administration in office, President Donald Trump repealed the Obama administration's policies on closing Guantanamo Bay. During the Trump Administration, a single detainee was transferred to his home country to finish out his sentence. Now current sitting President Biden has renewed the Obama administration’s efforts to close the prison. The administration has repatriated five and freed one, reducing the total inmate population to 30 men today.

Cuba: U.S. control of Guantánamo Bay came about through the end of the Spanish American War and the Platt Amendment. This amendment was initiated in 1903 by the Cuban-American

Treaty of Relations that year and outlined seven conditions for the U.S. withdrawal from Cuba. The US was allowed to create up to 4 naval bases but opted to only create one– Guantanamo Bay Naval Base, also referred to as Gitmo. The bases are considered by both parties (Cuba and the USA) as sovereign Cuban land leased to the United States of America through the "Agreement Between the United States and Cuba for the Lease of Lands for Coaling and Naval stations", signed by the President of Cuba and the President of the United States on 23 February 1903. This Treaty was further revised in 1934, which reaffirmed the leasing of Guantanamo Bay to the USA. But the post 1954 government of Cuba argued that the treaty was forced upon the people therefore not a valid agreement. However, according to Article 4 of the Vienna Convention, the agreement would stand. The area known as Guantanamo Bay covers nearly 118 square kilometres of eastern Cuba, it contains 2 airfields and is home to around 3,000 permanently stationed US military personnel, whilst a further floating population of thousands arrives and departs by air and sea each month.

The current Cuban sentiment is not positive towards the naval base in their country. The annual rent for the leasing of this land is 2,000 gold coins, equal to \$4,085, or around one cent per square metre of land. However, since 1959, no cheque has ever been cashed. Since March of that year Cuba has demanded that the US return the base and has regularly had resolutions passed at the Non-Aligned Movement calling for the base to be returned. Yet it seems highly unlikely that the USA would be interested in returning Guantanamo Bay back to Cuba as this would mean the USA giving up not only a detention centre which is away from the arms of regular litigation and rights detainees receive on US soil, but also an extremely strategic naval bases, linking the South Americas and the USA.

UK: The UK's involvement in Guantanamo Bay has been multifaceted and complex. The United States Department of Defence held a total of nine British detainees at Guantanamo Bay detention camp. An additional nine detainees were citizens of other nations who had been granted permanent residency status in the United Kingdom.

There have been multiple reports of UK personnel torturing prisoners alongside US personnel. Abu Zubaydah was captured by the CIA in Pakistan in March 2002 on suspicion of being an Al-Qaeda member. Over the next four years, he was held in black sites in Afghanistan, Guantanamo, Lithuania, Morocco, Poland and Thailand. Since 2006, he has been held in Guantanamo.

Zubaydah is arguing that MI5 and MI6 officers made requests, from their London offices to their CIA counterparts to interrogate him in circumstances where they knew or ought to have known of his rendition, unlawful imprisonment and torture. The UK Supreme Court has now ruled that a detainee in Guantanamo Bay can sue the UK government under English law over its alleged involvement in his detention and torture. This is the first case concerning the UK government's liability for its participation in abuses committed by the CIA during the "war on terror". Following the lawsuit, to prevent a massive class action lawsuit and to allow an inquiry into the claims to take place, a deal was struck between the former prisoners and the UK government and compensation was to be paid to the former detainees. Although the exact amount is unknown, it is estimated to be in the millions of pounds. After the settlement with the former detainees, inquiries were launched into the treatment of the prisoners by MI5 and MI6 spies. In 2018, the parliamentary intelligence oversight committee concluded that the UK's spy agencies were involved in the CIA's kidnap and torture of terrorism suspects. The government later abandoned a commitment to hold a judge-led public inquiry into the issue. Following the parliamentary committee's findings, lawyers at Sternberg Reed filed a complaint with the IPT in which they argued that Nashiri was of "specific

interest” to British intelligence in the 2000s.

Afghanistan: When military action in Afghanistan had started with Operation Enduring Freedom on October 7, 2001, less than a month after 9/11, the US with its allied forces was on the hunt for those deemed responsible for the deadliest “terrorist” attack on its soil. In a matter of weeks, the US-led forces overthrew the Taliban, which had been in power since 1996. Out of the first group that arrived at Guantanamo Bay on 11th January 2002, most were previously held in Afghanistan. The 20 Afghan men were taken to Camp X-Ray. A second group arrived on 13 January 2002. This marked the beginning of the long-term detention of hundreds of individuals apprehended in Afghanistan, Pakistan, and elsewhere. Abdul Razaq, on the 15th of September 2002 became the first inmate to be repatriated to Afghanistan. Out of the 700 or so detainees put into Guantanamo Bay post the 9/11 attacks, Afghan citizens were most represented among the detainees over time. Many had been handed over to the United States by allied Afghan and Pakistani security forces early in the U.S. invasion meant to crush Al Qaeda and topple the Taliban. The prisoners were captured by a joint effort from both US and Afghan intelligence and military forces under the transitional government of Hamid Karzai established in Kabul, which was financed by a Congress approved sum of \$38 billion under Bush’s plan to rebuild Afghanistan. Out of the 740 total detainees in Guantanamo Bay, over 200 were Afghanistan nationals. Post the US’s pull out from Afghanistan and The Taliban's establishment of governance over the region, at least 4 high up Afghanistan officials are former Guantanamo Bay detainees. In 2022, Asadullah Haroon Gul was released from Guantanamo Bay after he was detained by US forces in Jalalabad in 2007 and was held for 15 years without trial, on the suspicion of links to Al-Qaeda, said Suhail Shaheen, a senior Taliban member. Now, one Afghan detainee remains in Guantanamo Bay.

Saudi Arabia: The treatment of Saudi nationals has been a major domestic issue in Saudi Arabia since the opening of Guantanamo Bay. The Saudi government has fought to secure reparations to its Saudi nationals. From the outset the Kingdom was concerned over the nearly 100 Saudi detainees in a US base in Cuba, stating, "The Saudi government is following up the condition of these detainees despite their wrongdoings," and asking the United State to return the Saudi detainees who would “have to return to the Kingdom where they will be subject to Saudi laws and justice.” As early as January 2002, Saudi Arabia began to publicly press for the repatriation of Saudi nationals detained at Guantanamo Bay. According to reports published at the time, Prince Nayef, the minister of interior, stated that 100 of the 158 detainees in Guantanamo were Saudi, and that 240 Saudis were apprehended by joint U.S.-Pakistani teams on the Afghan border. The number of Saudi prisoners at Guantanamo rose to 125 by the summer of 2002. The Saudis offered to interrogate and try them in Saudi Arabia and offered to assist in the interrogation of suspected al-Qaeda operatives in American detention at the U.S. base in Cuba. In February 2002, Prince Nayef stated that he wanted to see all the Saudis in Guantanamo returned to the kingdom after the investigations were concluded.

Guantanamo Bay’s criticism heightened in 2006, post the deaths of 3 inmates out of which 2 were Saudi- Yasser Talal Al Zahrani, Mani Shaman Turki al-Habardi Al-Utaybi and Abdul Rahman al-Amri, under highly suspicious circumstances. The three were stated to have passed by apparent suicide, although this has been highly refuted by several parties. The death of the three brought the legality of Guantanamo Bay into question and shed a light on prisoner conditions and rights at the detention centre. As a result of the deaths, the Saudi

Government pressured the US to develop a programme to repatriate its citizens. It developed a reintegration programme that worked on religious re-education and reintegration into society by arranging job opportunities and marriages. Since 2006 a total of 96 detainees have been returned and as of today two Saudi nationals are being held in Guantanamo Bay.

China: The Guantanamo Bay detention camp is a powerful symbol, a representation, of the United States' broader lack of respect for human rights principles in its operations outside its borders. This claim was made by Mao Ning, a spokesperson for China's Ministry of Foreign Affairs, in response to a recent United Nations report criticising the U.S.

Mao highlighted the fact that the severe abuses at Guantanamo Bay have been exposed multiple times over the last two decades, sparking widespread outrage internationally. She noted that the United States has repeatedly stated its intention to close the facility, yet it still detains dozens of individuals to this day. Notably, only a few have faced formal charges or convictions. Mao also argued that the U.S., under the false pretext of the "war on terror," has set up a network of secret detention centres, known as "black sites," in at least 54 countries and regions. These facilities are used for the secret detention and torture of suspected terrorists. Such actions, according to Mao, demonstrate the U.S.'s clear disregard for the rule of law and basic human rights. She called for the United States to engage in sincere self-reflection, issue an apology, and compensate the victims. Furthermore, she stressed the importance of holding accountable those who authorized and carried out these torture methods under the guise of legality.

It is important to acknowledge, however, the inherent hypocrisy present in this criticism. The United States allowed Chinese officials access to Uighur detainees held in Guantanamo Bay, seemingly as a diplomatic gesture. China's human rights record is undeniably appalling, and the Uighur population represents one of the most persecuted minorities within the country. It is believed that all Uighur detainees underwent interrogations by Chinese security forces while being held at Guantanamo.

The experiences of numerous Uighur prisoners in Guantanamo Bay provide a distressing glimpse into the coercive tactics employed. Individuals like Ali Thabid, Bahtiyar Mahnut, Sabir Osman, and Huzaifa Parhat were subjected to threats of violence and imprisonment by Chinese interrogators if they were to be repatriated to China. One particularly egregious incident involved a Chinese interrogator informing detainee Adel Abdul Hakim that his presence in Guantanamo Bay should be considered fortunate, implying that certain death or imprisonment awaited him in China. Abdusemet, another Uighur detainee, endured sleep deprivation, food restriction, and threats from Chinese interrogators.

The U.S. government's actions clearly demonstrate an exploitative approach towards the Uighur detainees, who have a legitimate fear of torture and death under Chinese custody. Adel Noori, one of the detainees, shared his experience of being threatened by CIA or Defence Department officials in January 2004. These threats coerced him into cooperating and acting as an informant on non-Uighur detainees at Guantanamo, with the consequence of severe punishment for his refusal. Abdusemet also confirmed this account, recounting a specific threat made by an individual claiming to represent the White House, warning him of his potential return to China if he did not

comply with cooperation.

Special Rapporteur: Following an unprecedented visit to the U.S. Naval Station Guantanamo Bay from February 6th to May 6th, 2023, Fionnuala Ní Aoláin, the UN Special Rapporteur on Human Rights and Counterterrorism, published a scathing report. This fact-finding mission, the first of its kind authorised by the U.S. government, concentrated on three crucial areas: the rights of terrorism victims, the status of detainee rights at Guantanamo, and the ongoing challenges faced by former detainees.

Ní Aoláin's report presents a bleak outlook. It recognizes the "crime against humanity" committed on September 11th, 2001, while also emphasising the equal entitlement of victims to "remedy and reparation." Nevertheless, the report primarily focuses on the continuous human rights violations at Guantanamo. Ní Aoláin revealed a systematic pattern of abuse, described as "cruel, inhuman, and degrading treatment under international law." This systematic nature is further underscored by the report's identification of "structural deficiencies" and "arbitrary practices" within the detention centre.

The report underscores the dehumanising practice of referring to detainees by serial numbers rather than names. This seemingly insignificant detail, as per Ní Aoláin, signifies a deliberate erosion of "self-worth and dignity" in a setting already characterised by profound isolation and deprivation of freedom. Additionally, the report outlines the widespread use of "constant surveillance, forced cell extractions, excessive use of restraints," and prolonged periods of solitary confinement. These practices, Ní Aoláin argues, cause "relentless harm" to the detainees, who have already suffered the traumas of "rendition, torture, and arbitrary detention."

The importance of the report extends beyond its discoveries and encompasses its historical backdrop. Ní Aoláin explicitly acknowledges the Biden administration for enabling her visit to Guantanamo, highlighting their openness to international examination as a potential milestone. Nevertheless, the report serves as a striking reminder of the immense toll on human lives that persists due to the ongoing operation of Guantanamo Bay.

Report published- <https://www.documentcloud.org/documents/23862470-2023-06-26-sr-terrorism-technical-visit-us-guantanamo-detention-facility?responsive=1&title=1>

Reply from the US govt- <https://www.documentcloud.org/documents/23862471-2023-06-26-us-government-reply?responsive=1&title=1>

Working Group on Arbitrary Detention: The United Nations Working Group on Arbitrary Detention (UNWGAD) plays a distinctive role in the global human rights framework. Despite not having the authority of a court or the enforceability of legal rulings,

it functions as a quasi-judicial entity, wielding the moral influence of the international legal community. Consisting of five respected jurists from various geographical backgrounds, the UNWGAD issues reports that shed light on human rights violations and call for accountability.

A report illustrates this vital function. It examines the case of Abu Zubaydah, a 52-year old Palestinian detained in Pakistan in 2002. Zubaydah suffered torture in CIA "black sites" before being transferred to Guantanamo Bay in 2006. The initial US assertion that Zubaydah was Al-Qaeda's "number three" was later debunked, revealing a serious mistake – he was not even a member. However, the UNWGAD report goes beyond Zubaydah's individual situation. It expresses deep concern about the systematic detentions at Guantanamo, highlighting the possibility of crimes against humanity, a legal term used for the most severe human rights violations. This represents a significant moment – the first instance where an international body has applied such a serious label to the ongoing activities at Guantanamo.

Furthermore, the determination by UNWGAD marks a significant turning point on various levels. This marks the first instance where an international body has officially ruled against the US regarding Zubaydah's detention. Moreover, it implicates other countries involved in Zubaydah's suffering. The UK, Morocco, Thailand, and Afghanistan are identified as complicit in his unjust detention, rendition, and torture. The ruling also brings accountability to Pakistan for its role in Zubaydah's capture and transfer, while also pointing fingers at Poland and Lithuania for hosting black sites on their territories. The European Court of Human Rights has previously condemned both Poland and Lithuania for their participation in this network of covert detention centres.

The specific mention of the UK in the UNWGAD decision is noteworthy. The ruling holds the UK equally responsible for the torture and mistreatment endured by Zubaydah during his twenty-year confinement.

In essence, while lacking legal binding, the UNWGAD ruling acts as a significant moral compass. It sheds light on human rights abuses, emphasises the severity of the situation at Guantanamo, and allocates responsibility to a network of individuals worldwide. This represents a crucial step towards seeking justice for Abu Zubaydah and potentially numerous others.

<https://www.icj.org/wp-content/uploads/2015/03/WGAD-al-hawsawi-Op2014-50.pdf>

https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session95/A_HRC-WGAD-2022-72-USA-Advance-Edited-Version.pdf

1. Questions a Resolution Must Answer (QARMA)

- i. How will the U.S. ensure compliance with international human rights laws and standards?

- ii. What international and domestic laws will be applied to ensure the legality of actions taken regarding Guantanamo Bay?
- iii. What Reparations Will Be Provided?
- iv. What Legal Framework Will Govern the Closure or Continued Operation? v. How Will Detainee Rights Be Protected?
- vi. How will accountability and transparency be ensured throughout the process?

5. Research Guidance

<https://www.britannica.com/topic/Guantanamo-Bay-detention-camp>

<https://www.amnesty.org.uk/guantanamo-bay-human-rights>

<https://www.aclu.org/issues/national-security/detention/guantanamo-bay-detention-camp>

<https://www.amnesty.org/en/latest/news/2024/03/22-years-of-justice-denied/>

<https://www.ohchr.org/en/press-releases/2023/02/un-counterterrorism-expert-visit-united-states-and-guantanamo-detention>

<https://academic.oup.com/ejil/article-pdf/16/4/613/1081391/chi135.pdf>

<https://www.yalelawjournal.org/forum/in-defense-of-guantanamo-bay>

<https://www.nejm.org/doi/pdf/10.1056/NEJMp058145>

<https://www.icrc.org/en/doc/assets/files/review/2013/irrc-890-book-review.pdf>

<https://press.armywarcollege.edu/cgi/viewcontent.cgi?article=2267&context=parameters>

<https://journals.plos.org/plosmedicine/article/file?id=10.1371/journal.pmed.1001027&type=printable>

<https://journals.law.harvard.edu/jlpp/wp-content/uploads/sites/90/2013/10/YinFinal.pdf>

<https://account.utrechtlawreview.org/index.php/up-julr/article/view/URN%3ANBN%3ANL%3AUI%3A10-1-101021/2>

<https://uknowledge.uky.edu/cgi/viewcontent.cgi?article=3193&context=klj> *good*

luck, godspeed, and may the force be with you