



The Promise Institute for Human Rights
UCLA School of Law

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Lawyer for Guantanamo detainees Professor Hannah R. Garry joins UN Human Rights Experts in calling for the U.S. to remedy its torture

U.N. Human Rights Committee Yet Again Finds U.S. Failure to Comply with Civil and Political Rights Treaty

LOS ANGELES, CA. — Today, the United Nations Human Rights Committee in Geneva issued a [decision](#) finding that the United States has failed to hold individuals accountable for torture under its so-called “enhanced interrogation” program and CIA secret rendition, interrogation and detention programs following the 9/11 terrorist attacks. It also found that many details of the program are still secret, preventing reparations for victims and their families. The experts noted that even though President Biden has promised to close Guantanamo Bay, “no timeline for closure of the facility has been provided and ... some of the detainees have been held in the facility without trial or without any charges for more than 20 years.”

Professor Hannah R. Garry, Executive Director of the UCLA Law [Promise Institute for Human Rights](#), [testified](#) before the Committee on October 18th on behalf of her client, Guantanamo detainee Abu Zubaydah. The hearing reviewed a high-level U.S. delegation, including from the White House and Departments of Defense and State on their compliance with the legal prohibition against torture under the International Covenant on Civil and Political Rights (ICCPR) — a treaty which the U.S. has ratified.

As reported in the [New York Times](#) and represented by Prof. Garry to the Committee, Abu Zubaydah was the first victim of the U.S. torture program after the 9/11 terrorist attacks. He was the “test case” for psychologist contractors who

developed brutal techniques used on over 100 other Muslim detainees. Abu Zubaydah was tortured over several years at black sites in multiple countries, including prolonged confinement in a small box, waterboarding 83 times, isolation for 47 days, sleep deprivation, and sexual violence. Abu Zubaydah and other victims of torture suffer from severe physical and psychological injury.

Abu Zubaydah has been detained over 21.5 years without charge or trial even though the U.S. government admits he has no connection to 9/11 or Al Qaeda. The UN Committee of experts found that the Guantanamo medical facilities are inadequate to address the complex physical and psychological harm caused by torture to Abu Zubaydah and 30 others held there.

“There is no justification for torture under the ICCPR, full stop. I urge the United States to put an immediate end to this flagrant denial of justice over decades. We must come back into compliance with the law by implementing the Human Rights Committee conclusions”, said Garry.

The Committee called on the U.S. to:

Accountability for torture

- Adopt concrete measures to ensure that all cases of torture or other ill treatment, unlawful detention are effectively, independently and impartially investigated; that perpetrators, including persons in positions of command, are prosecuted and, if convicted, sanctioned; that the responsibility of those who provided legal pretexts for manifestly illegal behaviour be established; and that victims and their families are provided with effective remedies.
- Declassify and release the report of the Senate Special Committee on Intelligence into the CIA secret detention programme, and consider the full incorporation of the doctrine of “command responsibility” in its criminal law.

Prohibition of torture

- Enact legislation prohibiting torture as a distinct offence for torture prevention.

- Ensure that evidence and confessions obtained through torture is inadmissible in legal proceedings, without exception.
- Conduct thorough, independent and impartial investigations into all allegations of torture and ill-treatment ensuring that perpetrators are prosecuted and, if convicted, punished, and that victims receive reparation.
- Ensure that all persons deprived of their liberty have access to an independent and effective complaints mechanism for the investigation of allegations of torture and ill-treatment.

Detainees at Guantanamo Bay

- Expedite the transfer of detainees designated for transfer and the closure of the Guantanamo Bay facility.
- End the system of administrative detention without charge or trial and ensure that detainees are afforded the fair trial guarantees.
- Adopt measures to provide specialized health care to detainees.

“The UN Human Rights Committee’s calls echo those in recent decisions on U.S. torture from the UN Working Group on Arbitrary Detention, the UN Special Rapporteur on Countering Terrorism, the European Court of Human Rights and the Council of Europe,” Garry said.

She continued, “In this time of increased global conflict, it is time for the U.S. to remove this stain from its record and lead by reclaiming its values as a nation committed to the rule of law. It must acknowledge and repair the horrific harm caused to so many lives by its torture.”

Professor Garry noted, “There are no losers when human rights norms are respected, only winners. Our advocacy at the Promise Institute for Human Rights will continue until the rights and dignity of all are respected.”

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