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Exploring the Possibility of Meaningful Foreign Prosecution in Regard to the Treatment of Detainees in Guantanamo Bay



PRESENTER:
Erin Dunn

BACKGROUND

Detainees held within Guantanamo Bay endured horrible treatment at the hands of the US government, who refuses to punish those involved. Foreign courts have shown interest in helping Guantanamo detainees get the justice they deserve.

METHODS

- Illustrate possible charges that could be brought against United States officials involved in the torture program
- Lay out what other countries should do to help investigate abuse inflicted on detainees

Through thorough research, **Human Rights Watch** has identified **possible charges** against US government officials as: torture, assault, sexual abuse, war crimes, and conspiracy to commit war crimes. Further research has revealed that the countries of **Italy, Germany, and Spain** have all shown interest in foreign prosecution. Italy has conducted a **full trial against 26 US officials**, convicting 22 of them, albeit in absentia. Germany has **issued arrest warrants for 13 CIA agents** in regard to the rendition of a German citizen. Spain has **opened three cases** to investigate US officials, all of which have pending appeals.



WHAT SHOULD HAPPEN

A serious and legitimate trial against perpetrators who physically and mentally tortured human beings.



WHAT WILL LIKELY HAPPEN

The US will continue to do nothing, refusing to bring criminal charges against its own officials, leaving any hope for prosecution in the hands of foreign courts.

RESULTS

Results on most convictions are pending. Unfortunately, due to the US' influence across the globe, nothing of substance is likely to come from any of the trials being conducted currently.

AMMO BAR

There is hope for additional foreign prosecution in regard to the CIA rendition flights that had stopovers in European countries. One specific example of this is detainee Mohamedou Ould Slahi, who was rendered from his home country of Mauritania to Jordan. The plane made a stop in what Slahi believes to be Cyprus, which would allow for a prosecution within the EU if proved. As with all trials related to Guantanamo Bay, convictions will be hard to come by, as the US will likely provide no evidence to defend themselves and the prosecution will have a largely circumstantial case.

REFERENCES

Pitter, Laura, and Leslie Haskell. "No More Excuses: A Roadmap to Justice for CIA Torture". Human Rights Watch, 2015.

<https://www.hrw.org/report/2015/12/01/no-more-excuses/roadmap-justice-cia-torture>