

Binghamton University

The Open Repository @ Binghamton (The ORB)

Research Days Posters 2023

Division of Research

2023

Guantanamo Bay - A Legal Black Hole

Riya Mohan

Binghamton University--SUNY

Follow this and additional works at: https://orb.binghamton.edu/research_days_posters_2023

Recommended Citation

Mohan, Riya, "Guantanamo Bay - A Legal Black Hole" (2023). *Research Days Posters 2023*. 56.
https://orb.binghamton.edu/research_days_posters_2023/56

This Book is brought to you for free and open access by the Division of Research at The Open Repository @ Binghamton (The ORB). It has been accepted for inclusion in Research Days Posters 2023 by an authorized administrator of The Open Repository @ Binghamton (The ORB). For more information, please contact ORB@binghamton.edu.

Can Guantanamo Bay be Considered a Legal Black Hole?

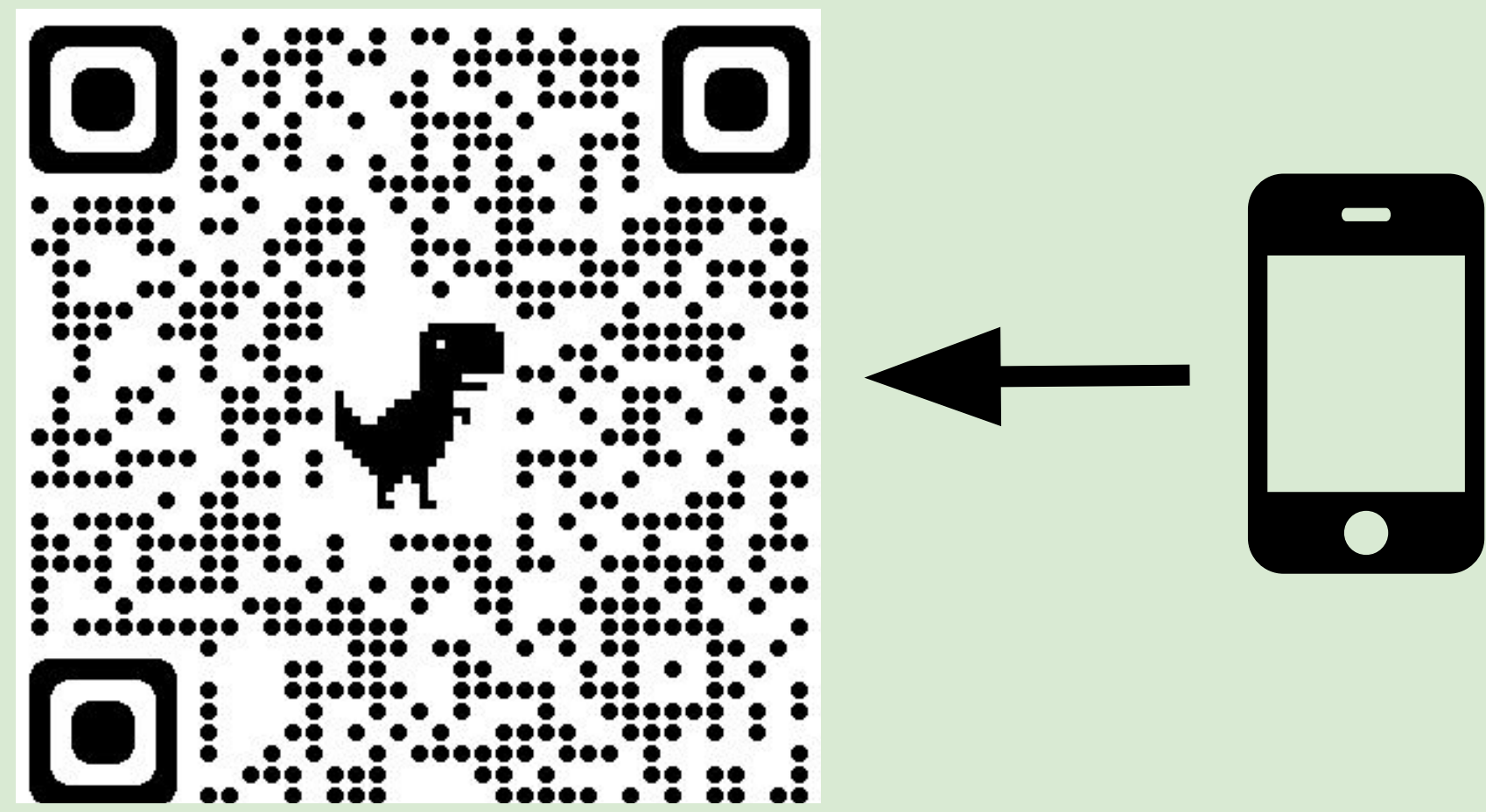


PRESENTER:
Riya Mohan

Human Rights Framework

As a result of the war against terror, the United States built and opened a prison where suspects of terrorism are detained and interrogated without limitation in Cuba.

This detention center became infamous for its brutal and torturous treatment of prisoners and unlawful detention practices. Guantanamo Bay has set the precedent that locations exist outside the scope of international law. This legislative mess has allowed countless detainees to have their rights constantly abused in a place referred to as a legal black hole.



Can Guantanamo Bay be Considered a Legal Black Hole?



Amnesty International

National Legislation

Torture memos

- A previously confidential set of legal opinions written by members of the US government between 2002 and 2005. This led to the decision to allow “enhanced interrogation techniques”.

Executive Order 13491

- Repeals EO-13440, passed by President Bush, stating that the treatment of Guantanamo detainees may not comply with the Geneva Conventions

International Legislation

Geneva Conventions

- Four treaties and additional protocols that outline humanitarian standards for the treatment of “prisoners of war” during wartime.

CAT

- Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment
- defines torture and attempts to take to prevent, investigate, and prosecute instances of it
 - *ratified by the United States*

Research methodology

- Researching documents relevant to Guantanamo Bay, and analyzing their language.

Critical conversation

- Although the language of international legislation is specific and clear, there was room for the miscategorization of detainees, which led to catastrophic consequences.
- This created a legislative loophole, allowing detainees to be treated the way they have historically been treated.

Limitations?

- Inability to analyze and compare every document concerning Guantanamo Bay.
- Primary sources concerning the treatment of detainees are limited.

Findings

- There are a lot of contradictions in the legislation, and the system is exploited by legislators who create new terms to dodge the standards already put in place.
- National legislation has changed positively in relation to the treatment of detainees over recent years. Despite this, the treatment of detainees should continue to be improved upon.