

KNIGHTS MODEL UNITED NATIONS INVITATIONAL CONFERENCE

INTERNATIONAL COURT OF JUSTICE: GUANTANAMO BAY



DECEMBER 2, 2023

LETTER FROM THE CHAIRS

Greetings, delegates! Welcome to ICJ: Guantanamo Bay. This committee will be chaired by co-Secretary Generals Sydney Chan and Marina Khoury. We are seniors at The Bishop's School and have both been involved in MUN since at least ninth grade. Global history and legal disputes draw together our two favorite research topics, so we are super excited to see your solutions to the issues at Guantanamo Bay! With your help, we can't wait to bring this nontraditional committee format to fruition.

For general position paper guidelines, please see the Position Paper tab on knightsmun.com. For this committee, please ensure your country's position cites the specific violations of international law you allege. Your solutions should focus on how your country believes the ICJ should intervene. Any questions or concerns may be directed to marina.khoury.24@bishops.com and sydney.chan.24@bishops.com.

I. COMMITTEE FORMAT

In ICJ: Guantanamo Bay, *Saudi Arabia et al. v. United States of America* (2023) will be heard during Committee Session I while Committee Session II will address *Cuba v. United States of America* (2023). During each session, advocates from different countries will work together to create resolutions that propose verdicts and recompensation plans that the ICJ could implement. These will be voted on by impartial judges. U.S. advocates will defend their stance or create restitution resolutions with other advocates, which may be voted on by committee participants.

II. BACKGROUND (1868 TO 1934)

On October 10, 1868, the battle began. Struggling with the increased taxation by the Spanish Empire and a global economic crisis,¹ a group of revolutionaries — one of them being Cuban revolutionary hero and later First President of Cuba in Arms Carlos M. Céspedes — called for the *Grito de Yara*, launching the **Ten Years' War** that initiated the Spanish-American War.² Although this grueling conflict was not completely successful in gaining independence from Spain and emancipating Cuban slaves, it did prove that the Cubans had the means and the grit to fight against their mother country. While it was originally disorganized, it later attracted more than 12,000 fighters, some of which became national leaders.³

In 1895, the U.S. began to proclaim their opinions on the happenings in Cuba when **U.S. President Grover Cleveland** declared American neutrality in the **Cuban Insurrection**; about a month later, the Cuban Revolutionary Party — known as Cuban Junta — under the tutelage of Tomás Estrada Palma was established to encourage the continued fight for independence and rally for U.S. support.⁴

Cuban efforts were relatively successful: in February of 1896, the U.S. Senate recognized the Cuban belligerency and called for recognition of its independence; and a couple of days later, the U.S. House of Representatives arrived at the same conclusion. Finally, in December of that year, President Cleveland announced that the U.S. would take direct ground action if Spain was unable to successfully resolve the conflict.⁵

¹ José M. Hernandez, "Cuba in 1898," Library of Congress, accessed November 3, 2023, <https://guides.loc.gov/world-of-1898/cuba-overview#:~:text=The%20conflict%2C%20combined%20with%20the,an d%20were%20heavily%20in%20debt>

² "Chronology of Cuba in the Spanish-American War," Library of Congress, accessed November 3, 2023, <https://guides.loc.gov/world-of-1898/cuba-chronology>.

³ "1868-1878: Ten Years' War in Cuba," PBS, accessed November 3, 2023, <https://www.pbs.org/crucible/tl1.html#:~:text=Although%20the%20Ten%20Years'%20War.and%20bred%20several %20powerful%20leaders>.

⁴ "Chronology of Cuba," Library of Congress.

⁵ "Chronology of Cuba," Library of Congress.

The year 1897 was filled with anti-Spanish sentiment in the United States, fueled especially by the yellow journalism of William Randolph Hearst's *New York Journal* and Joseph Pulitzer's *New York World*. With the inauguration of new **U.S. President William McKinley**, the official U.S. stance on the Cuban Insurrection changed. After Spain refused to grant Cuba independence on the first of January in 1898, and an explosion destroyed the American battleship *U.S.S. Maine*, the U.S. increased its involvement in the conflict. President McKinley requested permission from the U.S. Congress to intervene in Cuba; and on April 25, 1898, the United States declared War on Spain.⁶

Secretary of State John Hay called it a “splendid little war,” since the Spanish-American War lasted only a few months and resulted in relatively few casualties for the United States.⁷ The U.S. not only directed the globe's attention to their international power and established themselves as a Pacific Power,⁸ but also, with the signing of the **Treaty of Paris** on December 10, 1898, the U.S. gained possession of Cuba, Puerto Rico, Guam, and the Philippines (and additionally had to pay \$20 million USD to reimburse the Spanish government).⁹ Three years later, Cuba became an independent nation.¹⁰

But not all was “splendid” for this new nation. During the war, the U.S. Navy fleet fighting Santiago found refuge on Guantanamo during the summer hurricane season because of its exemplary harbor. The U.S. Marines fully invaded the then Spanish-owned bay in June of

⁶ "Chronology of Cuba," Library of Congress.

⁷ "The Splendid Little War," Digital Public Library of America, accessed November 3, 2023, <https://dp.la/exhibitions/american-empire/age-imperialism/splendid-little-war>.

⁸ "The Spanish-American War, 1898," Department of State, accessed November 3, 2023, <https://history.state.gov/milestones/1866-1898/spanish-american-war>.

⁹ "Treaty of Paris," Harvard Divinity School, accessed November 3, 2023, [https://rpl.hds.harvard.edu/faq/treaty-paris#:~:text=The%20Treaty%20of%20Paris%20\(1898,recompense%20to%20the%20Spanish%20government.](https://rpl.hds.harvard.edu/faq/treaty-paris#:~:text=The%20Treaty%20of%20Paris%20(1898,recompense%20to%20the%20Spanish%20government.)

¹⁰ Lily Rothman, "Why the United States Controls Guantanamo Bay," Time Magazine, last modified January 22, 2015, accessed November 3, 2023, <https://time.com/3672066/guantanamo-bay-history/>.

1898 with the help of the U.S. Navy and later the support of Cuban scouts when Spanish resistance escalated. While doing this, however, U.S. military planners became increasingly interested in obtaining **Guantánamo Bay** for their own nation due to its ideal location for protecting the Panama Canal and the southern U.S. coast.¹¹ After the Treaty of Paris, the **Platt Amendment** was added to the **1901 Cuban Constitution** which granted the U.S. permission to lease or purchase land from Cuba to establish naval bases and coaling stations. It also prevented Cuba from going into debt and blocked other nations' jurisdiction over Cuban affairs. **Article III** of the Platt Amendment required the Cuban government to approve the right of the U.S. to intervene in Cuban affairs for "the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the Treaty of Paris on the United States, now to be assumed and undertaken by the Government of Cuba."¹²

The Platt Amendment stood in effect in 1906, 1912, 1916, and 1920, all years in which the U.S. intervened in Cuban affairs. However, in 1934, due to an increase in Cuban nationalism and extensive judgment towards the Platt Amendment, U.S. President Franklin D. Roosevelt's **Good Neighbor policy** — to emphasize good relations and trade with Central and South American nations rather than military action¹³ — which repealed the amendment. However, the U.S. maintained its tenancy of Guantanamo Bay, where the naval base remains active today.¹⁴

¹¹ Carrington, Joshua. Guantanamo Bay: A Historical Mystery. N.p.: Independently published, 2022.

¹² "Platt Amendment (1903)," National Archives, accessed November 3, 2023, <https://www.archives.gov/milestone-documents/platt-amendment>.

¹³ Good Neighbor Policy, 1933," Department of State, accessed November 3, 2023, <https://history.state.gov/milestones/1921-1936/good-neighbor#:~:text=President%20Franklin%20Delano%20Roosevelt%20took,maintain%20stability%20in%20the%20hemisphere.>

¹⁴ "Platt Amendment," National Archives.

III. BACKGROUND (2001 TO PRESENT)

“Whether we bring our enemies to justice, or bring justice to our enemies, justice will be done,” President George Bush vowed in September 2001.¹⁵ In response to the terrorist attacks earlier that month on the World Trade Center, the United States initiated a “War on Terror.” It promised to unilaterally pursue terrorists and the governments that harbored them. More than two decades since the War on Terror transformed American foreign policy, however, the international community has more than a few doubts about whether or not “justice will be done”—particularly regarding Guantanamo Bay. Since 2002, almost 800 men have been held at the naval base, mostly without charge. Though the vast majority have since been released, Guantanamo Bay Naval Base (GTMO) continues to operate.¹⁶ The base has reached its current status through a complex range of U.S. policies and global upset. Its modern history is inextricable from that of U.S. counter-offensives against terrorism.

The War on Terror began in earnest in October of 2001. Al-Qaeda, a fundamentalist Islamic terrorist organization that seeks to extract Western and non-Islamic influence from Muslim-majority countries, took credit for the September 11 attacks. At the time, al-Qaeda was based in Afghanistan.¹⁷ On October 7, the U.S. and Britain launched airstrikes targeting Taliban and al-Qaeda training camps in Afghanistan. By November, the United States sent in ground troops and several other countries pledged to do the same.¹⁸ At this point, the U.S. had the

¹⁵ George W. Bush, "State of the Union Address," speech, September 20, 2001, *The Guardian*, last modified September 21, 2001, accessed November 2, 2023, <https://www.theguardian.com/world/2001/sep/21/september11.usa13>.

¹⁶ Mohammed Haddad, "Guantanamo Bay explained in maps and charts," *Al Jazeera*, September 7, 2021, accessed November 2, 2023, <https://www.aljazeera.com/news/2021/9/7/guantanamo-bay-explained-in-maps-and-charts-interactive>.

¹⁷ Jayshree Bajoria and Greg Bruno, "al-Qaeda (a.k.a. al-Qaida, al-Qa'ida)," *Council on Foreign Relations*, last modified June 6, 2012, accessed November 2, 2023, <https://www.cfr.org/backgrounder/al-qaeda-aka-al-qaida-al-qaida>.

¹⁸ History.com Editors, "A Timeline of the U.S.-Led War on Terror," *History.com*, last modified May 5, 2020, accessed November 2, 2023, <https://www.history.com/topics/21st-century/war-on-terror-timeline>.

world's favor. It successfully managed to deconstruct Afghanistan's terrorist sanctuaries, which harbored dozens of terror groups in addition to al-Qaeda.¹⁹

Crucially, its actions were considered *necessary* by most of the West. Even when President Bush established military commissions at Guantanamo Bay so that enhanced interrogation techniques (EITs) could be used on foreign terrorism suspects, the uproar was relatively minimal. After all, even American citizens were happy to relinquish their own rights in the name of homeland security. Just weeks after 9/11, Congress passed the Patriot Act almost unanimously. The act astronomically expanded the federal government's domestic and international surveillance.²⁰ In the wake of 9/11, the U.S. government was able to enact drastic measures in the name of defeating terrorism. As of December 28, 2001, according to a memorandum sent to the Pentagon by the Justice Department, the suspension of the **writ of habeas corpus** rights for prisoners held in GTMO on the grounds that they were not on U.S. soil was one of those measures.²¹

Then, in March 2003, the U.S. invaded Iraq, alleging that Iraq possessed weapons of mass destruction. In truth, Iraq had no such weapons. Western powers managed to overthrow the reigning government of Iraq and execute Saddam Hussein, its leader, in just a few months.²²

That's where the trouble began. Firstly, the U.S. was unable to recover any evidence of weapons of mass destruction, which damaged its credibility. Secondly, the dissolution of Hussein's government created a power vacuum in Iraq. Deep-rooted ethnic divisions and the

¹⁹ Memorandum by Rohan Gunaratna et al., "The 9/11 Effect and the Transformation of Global Security," September 1, 2021, accessed November 2, 2023, <https://www.cfr.org/councilofcouncils/global-memos/911-effect-and-transformation-global-security>.

²⁰ Dara Lind, "Everyone's heard of the Patriot Act. Here's what it actually does," *Vox*, June 2, 2015, accessed November 2, 2023, <https://www.vox.com/2015/6/2/8701499/patriot-act-explain>.

²¹ "Timeline: 20 years of Guantanamo Bay prison," *Al Jazeera*, January 10, 2022, <https://www.aljazeera.com/news/2022/1/10/timeline-20-years-of-guantanamo-bay-prison>.

²² "Why did the US and allies invade Iraq, 20 years ago?," *British Broadcasting Corporation*, March 20, 2023, accessed November 2, 2023, <https://www.bbc.com/news/world-64980565>.

empowerment of religious extremists led to a civil war, which the U.S. fought in from 2004 to 2010. The U.S. failed to stabilize the government and economy after collapsing Iraqi society, allowing ISIS to take root in the country.²³ Thirdly, allegations against the U.S. army of torture at the Abu Ghraib prison in Iraq weakened global support for the War on Terror. Hussein once used Abu Ghraib, a prison in Baghdad, to torture dissidents. During the Iraq War, the U.S. military imprisoned thousands of Iraqis there and subjected them to inhumane treatment, including physical and sexual abuse. This was first publicized by Amnesty International in July 2003.²⁴ According to a leaked report by the Red Cross, between 70 and 90 percent of detainees were arrested by mistake.²⁵ Leaked photos of demoralized Iraqis being forced to hold stress positions and wear leashes by grinning soldiers undermined the U.S.'s repute as a leader of democracy.

Meanwhile, the U.S. was implementing similarly dubious policies across the world in Cuba. Since 2002, fewer than 20 of the people held at Guantanamo Bay have been charged with a criminal offense.²⁶ A key difference between Abu Ghraib and GTMO, however, is that policies at the latter prison were not the result of localized bad actors—they were official. In January 2002, the Bush administration ruled that the people detained at Guantanamo could not be classified as prisoners of war and were not entitled to the protection of the **Geneva Convention**. Soon after, a wide range of EITs were approved for use in Guantanamo Bay, including stress

²³ Anthony Cordesman, "America's Failed Strategy in the Middle East: Losing Iraq and the Gulf," *Center for Strategic & International Studies*, last modified January 2, 2020, accessed November 2, 2023, <https://www.csis.org/analysis/americas-failed-strategy-middle-east-losing-iraq-and-gulf>.

²⁴ "Chronology of Abu Ghraib," *Washington Post*, last modified February 17, 2006, accessed November 2, 2023, <https://www.washingtonpost.com/wp-srv/world/iraq/abughraib/timeline.html>.

²⁵ International Committee of the Red Cross, comp., *Report of the International Committee of the Red Cross (ICRC) on the Treatment by the Coalition Forces of Prisoners of War and Other Protected Persons by the Geneva Conventions in Iraq during Arrest, Internment and Interrogation* (2004), 8, <https://www.derechos.org/nizkor/us/doc/icrc-prisoner-report-feb-2004.pdf>.

²⁶ Haddad, "Guantanamo Bay explained."

positions and sensory deprivation.²⁷ This purportedly legal torture—along with abuses not officially endorsed—has been internationally condemned.

Several international organizations, including the United Nations, have publicly derided the detainment center at Guantanamo Bay. Even within the US, the legal status of detainees is hotly contested. In order to circumvent *habeas corpus* review in domestic courts, the U.S. government created “Combatant Status Review Tribunals” to establish whether detainees were “unlawful combatants.”²⁸ These tribunals, however, do not affect world standards on torture. The United Nations Commission on Human Rights warned early on that the U.S. “will be seen as systematically evading application of domestic and international law so as to deny these suspects their legal rights” and called for compliance with **International Humanitarian Law (IHL)**.²⁹ In 2009, Human Rights Watch urged European countries and Canada to aid in repatriation efforts for detainees unable to return to their home countries.³⁰ Though vague, these solutions have seen some success as many former inmates successfully integrated into European society and the U.S. modulated both legal and physical treatment of detainees over time.

Still, complaints continue. In 2020, the Inter-American Commission on Human Rights ruled that the U.S. violated the American Declaration on the Rights and Duties of Man by torturing and religiously discriminating against one since-repatriated detainee who was held

²⁷ "Timeline: 20 years."

²⁸ Alka Pradhan, "The United States Faces a Test on Guantánamo Bay in Geneva," *Lawfare*, last modified October 16, 2023, accessed November 2, 2023, <https://www.lawfaremedia.org/article/the-united-states-faces-a-test-on-guant%C3%A1namo-bay-in-geneva>.

²⁹ United Nations Human Rights Office of the High Commissioner, "US Court Decision on Guantanamo Detainees Has Serious Implications for Rule of Law, Says UN Rights Expert," news release, March 12, 2003, accessed November 2, 2023, <https://www.ohchr.org/en/press-releases/2009/10/us-court-decision-guantanamo-detainees-has-serious-implications-rule-law>.

³⁰ "Resettlement of Guantanamo Bay Detainees: Questions and Answers," *Human Rights Watch*, last modified February 2009, accessed November 2, 2023, https://www.hrw.org/sites/default/files/related_material/GTMO%20Resettlement%20OA.pdf.

without charge for 12 years.³¹ The Commission requested that the U.S. close the detention facility, investigate any cruel treatment, and repatriate detainees to their home countries or when not possible, third countries.³² In June of 2023, the UN visited Guantanamo Bay and came to similar conclusions.³³ Rather than call for immediate closure, it recommended that the U.S. remedy physical, reputational, and psychological harm by reforming the treatment of current detainees, removing former detainees from watchlists and issuing apologies, and making reparations to victims of arbitrary detention.

Today, the fate of Guantanamo Bay remains in question. Just 30 individuals are imprisoned at Guantanamo Bay; of these, one has been convicted in the military commissions system while 10 await trial. Sixteen are recommended for transfer if security conditions are met.³⁴ These “security conditions” pose a primary barrier to repatriation. In addition to safety concerns in their countries of origin, detainees are restricted by nebulous travel stipulations and other security measures.³⁵ Still, many have been successfully repatriated and further remedies are possible. With the aid of international arbiters and foreign diplomacy, justice will be done.

³¹ "IACHR Finds U.S. Responsible for Torture, Refoulement of Guantanamo Detainee," *International Justice Research Center*, last modified June 10, 2020, accessed November 2, 2023, <https://ijrcenter.org/2020/06/10/iachr-finds-u-s-responsible-for-torture-refoulement-of-guantanamo-detainee/>.

³² *Towards the Closure of Guantanamo* (Washington, DC: Inter-American Commission on Human Rights, 2015), 26-27, accessed November 2, 2023, <https://www.oas.org/en/iachr/reports/pdfs/Towards-Closure-Guantanamo.pdf>.

³³ *Technical Visit to the United States and Guantánamo Detention Facility by the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism*, 22-23, June 14, 2023, accessed November 2, 2023, <https://www.ohchr.org/sites/default/files/documents/issues/terrorism/sr/2023-06-26-SR-terrorism-technical-visit-US-guantanamo-detention-facility.pdf>.

³⁴ Sarah Almukhtar et al., "The Guantánamo Docket," *The New York Times*, September 22, 2023, accessed November 2, 2023, <https://www.nytimes.com/interactive/2021/us/guantanamo-bay-detainees.html#held-table>.

³⁵ "Man held in Guantanamo Bay for nearly 20 years sent home to Algeria," *Columbia Broadcasting System*, April 2, 2022, accessed November 2, 2023, <https://www.cbsnews.com/news/sufyian-barhoumi-guantanamo-bay-released-to-algeria/>.

IV. QUESTIONS TO CONSIDER

1. Does the United States have legal standing for the continued operation of Guantanamo Bay in Cuba? If not, what recourse should be taken?
2. Does the retention of foreign nationals at Guantanamo Bay violate international law? Why or why not?
3. Has the United States Navy's treatment of detainees at Guantanamo Bay violated international law? If so, how should the United States, United Nations, and international community redress these wrongs?

V. HELPFUL RESOURCES

International law is complicated. We do not expect you to know everything about your country's legislative precedent regarding Guantanamo Bay. Instead, we recommend you familiarize yourself with some treaties your country has made with the United States and foundational documents of international humanitarian law.

Consider using the following resources in your research:

- <https://www.aljazeera.com/news/2022/1/10/timeline-20-years-of-guantanamo-bay-prison>
- <https://www.diakonia.se/ihl/resources/international-humanitarian-law/basic-principles-ihl/>
- <https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=2279&context=sulr>
- <https://www.nytimes.com/interactive/2021/us/guantanamo-bay-detainees.html#held-table>
- <https://guides.loc.gov/world-of-1898/cuba-overview#:~:text=The%20conflict%2C%20combined%20with%20the,and%20were%20heavily%20in%20debt>
- <https://guides.loc.gov/world-of-1898/cuba-chronology>
- <https://history.state.gov/milestones/1866-1898/spanish-american-war>
- <https://time.com/3672066/guantanamo-bay-history/>

VI. BIBLIOGRAPHY

- Al Jazeera*. "Timeline: 20 years of Guantanamo Bay prison." January 10, 2022.
<https://www.aljazeera.com/news/2022/1/10/timeline-20-years-of-guantanamo-bay-prison>.
- Almukhtar, Sarah, Carol Rosenberg, Charlie Savage, Andrew Fischer, Rachel Shorey, and Andrei Scheinkman. "The Guantánamo Docket." *The New York Times*, September 22, 2023. Accessed November 2, 2023.
<https://www.nytimes.com/interactive/2021/us/guantanamo-bay-detainees.html#held-table>.
- Bajoria, Jayshree, and Greg Bruno. "al-Qaeda (a.k.a. al-Qaida, al-Qa'ida)." *Council on Foreign Relations*. Last modified June 6, 2012. Accessed November 2, 2023.
<https://www.cfr.org/backgrounder/al-qaeda-aka-al-qaida-al-qaida>.
- British Broadcasting Corporation*. "Why did the US and allies invade Iraq, 20 years ago?" March 20, 2023. Accessed November 2, 2023. <https://www.bbc.com/news/world-64980565>.
- Bush, George W. "State of the Union Address." Speech, September 20, 2001. *The Guardian*. Last modified September 21, 2001. Accessed November 2, 2023.
<https://www.theguardian.com/world/2001/sep/21/september11.usa13>.
- Carrington, Joshua. *Guantanamo Bay: A Historical Mystery*. N.p.: Independently published, 2022.
- "Chronology of Abu Ghraib." *Washington Post*. Last modified February 17, 2006. Accessed November 2, 2023.
<https://www.washingtonpost.com/wp-srv/world/iraq/abughraib/timeline.html>.
- "Chronology of Cuba in the Spanish-American War." Library of Congress. Accessed November 3, 2023. <https://guides.loc.gov/world-of-1898/cuba-chronology>.
- Columbia Broadcasting System*. "Man held in Guantanamo Bay for nearly 20 years sent home to Algeria." April 2, 2022. Accessed November 2, 2023.
<https://www.cbsnews.com/news/sufyian-barhoumi-guantanamo-bay-released-to-algeria/>.
- Cordesman, Anthony. "America's Failed Strategy in the Middle East: Losing Iraq and the Gulf." *Center for Strategic & International Studies*. Last modified January 2, 2020. Accessed November 2, 2023.
<https://www.csis.org/analysis/americas-failed-strategy-middle-east-losing-iraq-and-gulf>.
- "1868-1878: Ten Years' War in Cuba." PBS. Accessed November 3, 2023.
<https://www.pbs.org/crucible/tl1.html>.
- "Good Neighbor Policy, 1933." Department of State. Accessed November 3, 2023.
<https://history.state.gov/milestones/1921-1936/good-neighbor0stability%20in%20the%20hemisphere>.

- Gunaratna, Rohan, Patrycja Sasnal, Wesley Wark, John Bellinger, III, and Anne Koch. Memorandum, "The 9/11 Effect and the Transformation of Global Security," September 1, 2021. Accessed November 2, 2023. <https://www.cfr.org/councilofcouncils/global-memos/911-effect-and-transformation-global-security>.
- Haddad, Mohammed. "Guantanamo Bay explained in maps and charts." *Al Jazeera*, September 7, 2021. Accessed November 2, 2023. <https://www.aljazeera.com/news/2021/9/7/guantanamo-bay-explained-in-maps-and-charts-interactive>.
- Hernandez, José M. "Cuba in 1898." Library of Congress. Accessed November 3, 2023. <https://guides.loc.gov/world-of-1898/cuba-overview>.
- History.com Editors. "A Timeline of the U.S.-Led War on Terror." *History.com*. Last modified May 5, 2020. Accessed November 2, 2023. <https://www.history.com/topics/21st-century/war-on-terror-timeline>.
- "IACHR Finds U.S. Responsible for Torture, Refoulement of Guantanamo Detainee." *International Justice Research Center*. Last modified June 10, 2020. Accessed November 2, 2023. <https://ijrcenter.org/2020/06/10/iachr-finds-u-s-responsible-for-torture-refoulement-of-guantanamo-detainee/>.
- International Committee of the Red Cross, comp. *Report of the International Committee of the Red Cross (ICRC) on the Treatment by the Coalition Forces of Prisoners of War and Other Protected Persons by the Geneva Conventions in Iraq during Arrest, Internment and Interrogation*. 2004. <https://www.derechos.org/nizkor/us/doc/icrc-prisoner-report-feb-2004.pdf>.
- Lind, Dara. "Everyone's heard of the Patriot Act. Here's what it actually does." *Vox*, June 2, 2015. Accessed November 2, 2023. <https://www.vox.com/2015/6/2/8701499/patriot-act-explain>.
- Platt Amendment (1903)." National Archives. Accessed November 3, 2023. <https://www.archives.gov/milestone-documents/platt-amendment>.
- Pradhan, Alka. "The United States Faces a Test on Guantánamo Bay in Geneva." *Lawfare*. Last modified October 16, 2023. Accessed November 2, 2023. <https://www.lawfaremedia.org/article/the-united-states-faces-a-test-on-guant%C3%A1namo-bay-in-geneva>.
- "Resettlement of Guantanamo Bay Detainees: Questions and Answers." *Human Rights Watch*. Last modified February 2009. Accessed November 2, 2023.

https://www.hrw.org/sites/default/files/related_material/GTMO%20Resettlement%20QA.pdf.

Rothman, Lily. "Why the United States Controls Guantanamo Bay." Time Magazine. Last modified January 22, 2015. Accessed November 3, 2023. <https://time.com/3672066/guantanamo-bay-history/>.

Technical Visit to the United States and Guantánamo Detention Facility by the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism. June 14, 2023. Accessed November 2, 2023. <https://www.ohchr.org/sites/default/files/documents/issues/terrorism/sr/2023-06-26-SR-terrorism-technical-visit-US-guantanamo-detention-facility.pdf>.

"The Spanish-American War, 1898." Department of State. Accessed November 3, 2023. <https://history.state.gov/milestones/1866-1898/spanish-american-war>.

"The Splendid Little War." Digital Public Library of America. Accessed November 3, 2023. <https://dp.la/exhibitions/american-empire/age-imperialism/splendid-little-war>.

Towards the Closure of Guantanamo. Washington, DC: Inter-American Commission on Human Rights, 2015. Accessed November 2, 2023. <https://www.oas.org/en/iachr/reports/pdfs/Towards-Closure-Guantanamo.pdf>.

"Treaty of Paris." Harvard Divinity School. Accessed November 3, 2023. <https://rpl.hds.harvard.edu/faq/treaty-paris>.

United Nations Human Rights Office of the High Commissioner. "US Court Decision on Guantanamo Detainees Has Serious Implications for Rule of Law, Says UN Rights Expert." News release. March 12, 2003. Accessed November 2, 2023. <https://www.ohchr.org/en/press-releases/2009/10/us-court-decision-guantanamo-detainees-has-serious-implications-rule-law>.