**Press release (29.4.2021)**

**New International Case: Abu Zubaydah v. the United States, United Kingdom, Afghanistan, Lithuania, Morocco, Poland and Thailand**

A new international legal case will be filed on 30 April 2021 against 7 countries – USA, UK, Thailand, Poland, Morocco, Lithuania, Afghanistan – on behalf of CIA torture victim and Guantánamo "forever" prisoner Abu Zubaydah.

Almost 20 years since the opening of Guantánamo Bay, Abu Zubaydah, and others, remains in legal limbo. President Biden has said he will close the prison. How he responds to this claim will be a litmus test of the US administration's commitment to justice and international law. The urgency of this appeal, and the desperation of Guantanamo detainees including Abu Zubaydah, is seen in the massive hunger strike underway at Guantanamo.

This is the first time that international legal action is taken against the UK, Afghanistan, Morocco and Thailand for their complicity in the US rendition and secret detention program, and the first time that a case has been brought against all states participating in an individual's rendition and torture and ongoing unlawful detention at Guantanamo. It is also the first international case brought by Zubaydah against the United States.

The case is brought to the United Nations Working Group on Arbitrary Detention, which has a mandate to receive individual complaints and urgent appeals on unlawful detention, which his case epitomizes. The UN body is unusual in that it can hear a claim against all 7 states.

The UNWGAD is being asked to find that:

* the US is obliged to release Abu Zubaydah;
* other states must take all measures in their power, including offers of relocation, etc to secure release and rehabilitation;
* his detention at Guantanamo with no prospect of release is arbitrary, torture and violates his right to life;
* all states must ensure transparency, reparation and accountability for ‘war on terror’ violations that Abu Zubaydah’s case epitomizes, to learn lessons and prevent repetition.

The timing is significant. The President Biden has committed to close Guantánamo, and to reposition the US as a country supporting rule of law and human rights. The 20th anniversary of the notorious war on terror looms. How all states, including the US, respond to this urgent call and to the UN body will be a measure of their real commitment to human rights and to distancing themselves from abusive counter-terrorism.

The case is presented by Helen Duffy, the international legal representative of Guantánamo detainee Abu Zubaydah since 2010 who has represented him in e.g. before the European Court of Human Rights in successful cases against Lithuania and Poland.

***Background***: Mr. **Zayn** al-**Abidin Muhammad Husayn** (known as “Abu Zubaydah”) is a Palestinian man who has been in arbitrary detention, without review of the lawfulness of detention (habeas hearing), charge or trial for a staggering 19 years. Described variously as the ‘poster child’ for war on terror, the ‘guinea pig’ for the CIA’s enhanced interrogation techniques/torture, and the ‘A-Z of where we went wrong’, the violations of his rights are notorious and on-going. The application draws together the alarming facts of his case: misinformation propagated about him upon detention, the commitments given by high levels within the US to detain him ‘incommunicado for the remainder of his life,’ the horrendous torture inflicted on him, and the impossibility for him to defend himself and secure his release. His detention has no lawful basis in international law, it offends all principles of due process, and is, as the European Court of Human Rights said in cases we brought on his behalf against Poland and Lithuania, a “flagrant denial of justice” and “anathema to the rule of law.” He is currently on hunger strike at Guantanamo Bay.

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***Quotes*** below, and the filing is available upon request:

* *Today’s filing calls for the Kafquesque and notorious situation of Abu Zubaydah, who has been detained without charge or trial for 19 years with no opportunity to defend himself against dubious allegations or secure his release, to be brought to an end.*
* *After 19 years of arbitrary detention, the only appropriate legal remedy for Abu Zubaydah is release and rehabilitation. Recognition, apology, transparency, accountability and ensuring these violations do not happen again are all legal obligations, grossly neglected in the war on terror and the subject of this claim. But they are meaningless if ongoing violations are not brought to an end.*
* *This is the first international case against a number of those states that shared responsibility with the United States for war on terror crimes, and now share responsibility for bringing them to an end.*
* *The US has prime - but not exclusive – responsibility, as this claim against 7 states known to have been involved in Abu Zubaydah’s torture and arbitrary detention shows. It is time for the states that contributed to his unlawful detention to contribute to bringing it to an end.*
* *The torture and detention without charge or trial of AZ for 19 years epitomises the worst of the war on terror. As the 20th anniversary looms, its past time to release him, to reveal the truth about his case and to commit to effective security based on rule of law.*
* *The ‘war on terror’ has failed but we cannot pretend to learn lessons from it while perpetuating its most notorious wrongs.*
* *How the Biden administration responds to international legal claims like this one will be a test of its newly stated commitment to international rule of law and human rights*

Prof. Helen Duffy

International legal representative of Abu Zubaydah/ director of Human Rights in Practice