

20 January 2022

By email

**Rule 9 Submission (*Al Nashiri v Poland, Abu Zubaydah v Poland and Abu Zubaydah v Lithuania*)**

We are writing as legal representatives of Mr Abu Zubaydah and Mr al Nashiri to update you on the status of the implementation of the *Al Nashiri v Poland* (Appl. No. 28761/11), *Abu Zubaydah v Poland* (Appl. No. 7511/13), and *Abu Zubaydah v Lithuania* (Appl. No. 46454/11) extraordinary rendition and torture judgements. In doing so, we will respond briefly to the update and action plan presented by the Lithuanian and Polish governments in December 2021 and January 2022 respectively.<sup>1</sup>

An overview of the current status of the implementation of these judgments by Poland and Lithuania, and in relation to Mr al Nashiri and Mr Abu Zubaydah, is presented in the Annex to this letter. Collectively, we have kept the Committee of Ministers apprised of the insufficient and inadequate implementation of the individual and general measures by Poland, and Lithuania through periodic Rule 9 submissions and by orally briefing members of the Committee on September 7<sup>th</sup>, 2021 before the Committee's 1411<sup>th</sup> meeting. We do not intend to repeat all of those communications, but to draw attention to key aspects of non-implementation in these cases, and to underscore the importance of robust ongoing engagement in oversight of full implementation. While the situation in the states differ, they both reveal a stark lack of effective investigation or accountability, ongoing failure to acknowledge the truth and provide reparations, and grossly insufficient measures to ensure that the flagrant denial of justice to which both men are currently subjected will be brought to an end.

Twenty years after the attacks of September 11, these judgments stand among the very few that shed light on the gross human rights violations perpetrated in the notorious “War on Terror” and the active role of European states in the worst aspects of it. The judgements were rightly lauded as historic when issued, providing a rare but as yet underexploited promise of accountability in the context of widespread impunity. The importance of their implementation is heightened by the

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<sup>1</sup> DH-DD(2021)1357 1428<sup>th</sup> meeting (March 2022) (DH) - Addendum to the action plan (15/12/2021) - Communication from Lithuania concerning the case of Abu Zubaydah v. Lithuania (Application No. 46454/11), [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=0900001680a4e4fe](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680a4e4fe); DH-DD(2022)76, 1428<sup>th</sup> meeting (March 2022) (DH) - Rule 8.2a - Communication from the authorities (13/01/2022) concerning the case of AL NASHIRI v. Poland (Application No. 28761/11) [https://search.coe.int/cm/pages/result\\_details.aspx?objectId=0900001680a52e7a](https://search.coe.int/cm/pages/result_details.aspx?objectId=0900001680a52e7a)

growing perception that the same complicity that led to these egregious violations, now safeguards impunity for those responsible. The Court's and Committee of Ministers' credibility is also increasingly threatened by the failure to ensure that these judgments are meaningfully implemented. The current state of non-implementation in these cases erodes the legitimacy of the Convention system, undermines rule of law, and feeds the narratives of violent extremist groups globally.

These cases were highlighted in the PACE 2020 report on the Implementation of Judgments of the European Court of Human Rights and described as “reveal[ing] a worrying timid reaction of the Committee of Ministers towards the situation where a transfer of detainees may amount to a risk of imposition of the death penalty or to the flagrant denial of justice.”<sup>2</sup> While recognizing the importance of the role the Committee of Ministers' (“CM” or “the Committee”) and its secretariat have played in overseeing implementation to date, there is also concern that in particular the most recent decisions (September 2021) fail to take into account the clear and growing evidence of the stark failure to implement the judgements of the Court. It is also crucial that positive developments, such as recent payment of compensation by Lithuania, while important, should not detract from ongoing failures of a far greater magnitude and significance.

We therefore urge you to continue to monitor implementation of these judgments and call for a more robust approach, reflecting the significance of these cases and their non-implementation to date. Far from easing of oversight, we submit that the states' Action Plans, and the updates provided in the annex, support the need for efforts to be redoubled to secure meaningful implementation. We reiterate our call for an interim resolution, making clear the states' failure to adequately implement the judgments to date and the need for urgent measures remedy this situation, was unsuccessful and the decisions issued by the Committee of Ministers.

Thank you for considering the significance of these judgments and their non-implementation to date, and for escalating supervisory measures until the full implementation of the Court's judgments is achieved.

Sincerely,

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Counsel for Mr. Al Nashiri

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<sup>2</sup> PACE, 2020, “The implementation of judgments of the European Court of Human Rights Report”, Committee on Legal Affairs and Human Rights, Rapporteur: Mr. Constantinos Efstathiou, Doc. 15123, <https://www.ecoi.net/en/file/local/2033883/document.pdf>, para. 25.

## **Annex : SUMMARY OF THE CASES AND FAILURE TO IMPLEMENT THE COURT'S JUDGMENTS**

In *Al Nashiri v Poland* (Appl. No. 28761/11), *Abu Zubaydah v Poland* (Appl. No. 7511/13), and *Abu Zubaydah v Lithuania* (Appl. No. 46454/11), the European Court of Human Rights (“the Court” or “ECtHR”) found the respondent states to be in violation of the European Convention on Human Rights (“the Convention”) and concluded that Poland and Lithuania violated the Convention by participating in the CIA’s extraordinary rendition programme under which Mr. Abd al Rahim al Nashiri and Mr. Husayn Abu Zubaydah were unlawfully detained, tortured and subject to multiple additional violations of the European Convention. Now detained at Guantanamo Bay since 2006, both men were found to be subject to an on-going “flagrant denial of justice” through indefinite detention without charge or trial and/or the risk of a death sentence.

Years after the ECtHR ordered Poland and Lithuania to undertake prompt, effective and transparent domestic investigations, there has been no meaningful progress in any of these cases, no one has been held to account, no acknowledgement or apology offered and no effort to engage with and influence the ongoing denial of justice. In Poland, the investigation has been partially closed on account of the statute of limitations and a remarkable finding that the alleged facts do not constitute a crime under domestic law. In Lithuania, there are no indications whatsoever of any meaningful steps to undertake an effective investigation. In both investigations are suspended. There has been no meaningful effort to confront the truth, publicly recognize responsibility and ensure non-repetition. While just satisfaction has now been paid in two of the three cases, it is a regrettable fact that, in effect, both countries have dismissed the majority of the ECtHR’s findings and challenged the binding nature of its judgments.

### **Al Nashiri v Poland**

**Domestic investigation.** As communicated in OSJI’s submission to the Committee of Ministers in May 2021,<sup>3</sup> Poland’s domestic investigation in the case of Mr. Al Nashiri, rather than being “prompt”, “effective” and “thorough” as required by the ECtHR,<sup>4</sup> has been inadequate, shrouded in secrecy, and marked by excessive delays.

Recent developments in the investigation conducted by the Prosecutor’s Office in Krakow illustrates how dramatically ineffective these proceedings have been. On 30 November 2020,<sup>5</sup> the Prosecutor decided to partially close the criminal investigation, effectively absolving all Polish

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<sup>3</sup> 1406th meeting (June 2021) (DH) - Rule 9.2 - Communication from an NGO (Open Society Justice Initiative) (21/05/2021) in the case of *Al Nashiri v. Romania* (Application No. 33234/12), [https://hudoc.exec.coe.int/eng#%7B%22EXECIdentifier%22:%5B%22DH-DD\(2021\)566E%22%5D%7D](https://hudoc.exec.coe.int/eng#%7B%22EXECIdentifier%22:%5B%22DH-DD(2021)566E%22%5D%7D).

<sup>4</sup> See, for example, *Al Nashiri v Poland*, para. 499.

<sup>5</sup> Decision of the Prosecutor of the Regional Prosecutor’s Office in Krakow (postanowienie prokuratora Prokuratury Regionalnej w Krakowie) of 30 November 2020, case files no. RP II Ds 16.2016.

authorities, officials and officers who were engaged in the operation of the CIA's secret prison of responsibility, including the one person who has faced charges to date.<sup>6</sup> At an earlier stage, the Prosecutor had already partially closed the investigation on account of the expiration of the statute of limitations.<sup>7</sup>

The Prosecutor concluded that the suspect had not committed the alleged offence, as a result of extraordinary circumstances and his lack of knowledge at the relevant time. The Prosecutor also concluded that Polish officials could not have suspected that the Americans would not respect provisions of the international law within the Stare Kiejkuty facility and that activities taken by other Polish authorities and officers do not constitute an offence under Polish law.

The Prosecutor's decision has been challenged by Mr. Al Nashiri's counsel. The District Court in Warsaw, by its decision of 7 September 2021, case files no. XVIII Kp 280/21, upheld the Prosecutor's decision on partial closure of the investigation. The grounds for the Court's decision remain classified. The Court examined the complaint against the Prosecutor's decision in the courtroom enabling protection of classified information.

Earlier in the year, on 26 February 2021, the Prosecutor issued another concerning decision,<sup>8</sup> suspending the rest of the investigation while waiting for a response from the US authorities to the Prosecutor's mutual legal assistance request. This decision has also been challenged.

The secrecy surrounding the investigation is extremely problematic. In its judgment, the ECtHR made it clear that, "the Polish public has a legitimate interest in being informed of the investigation and its results. It therefore falls to the national authorities to ensure that, without unacceptably compromising national security, a sufficient degree of public scrutiny is maintained in the present case".<sup>9</sup> Since the Court's judgments no efforts have been undertaken to inform the Polish public about the progress of the investigation. Even more, most of important documents – including the grounds for the court's decision and important part of the grounds for the Prosecutor's decision – remain classified as top secret. In a strong indication of the ongoing secrecy surrounding the investigation, neither the Prosecutor's nor the court's decision on partial closure of the investigation have been made public.

**Assurances from the United States.** In its 2014 judgment in the *Al Nashiri* case, the ECtHR explicitly ordered the Polish government to remove the risk of death penalty "as soon as possible"

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<sup>6</sup> The Prosecutor informed Mr. Al Nashiri's counsel that the name of the person who faced charges is classified.

<sup>7</sup> Decision of the Prosecutor of the Regional Prosecutor's Office in Krakow (postanowienie prokuratora Prokuratury Regionalnej w Krakowie) of 30 December 2015, case files no. V Ds 97/15/S.

<sup>8</sup> Decision of the Prosecutor of the Regional Prosecutor's Office in Krakow (postanowienie prokuratora Prokuratury Regionalnej w Krakowie) of 26 February 2021, case files no. RP II Ds 16.2016.

<sup>9</sup> *Al Nashiri v Poland*, para. 497.

by “seeking assurances from the US authorities that he will not be subjected to the death penalty.”<sup>10</sup> Poland’s efforts to obtain such assurances from US authorities, however, have been sporadic, minimal, and, ultimately, ineffective. The latest submissions of January 2022 make no reference to assurances at all. Previously, the July 2021 communication to the CM, Poland vaguely indicates a meeting between the Polish Deputy Ambassador and the Deputy Assistant Secretary of the US Department of State but with no concrete advance on the point of obtaining diplomatic assurances regarding the applicants.<sup>11</sup> Whilst in their submission the CM Polish authorities list a series of documents exchanged with U.S. authorities, aimed at obtaining diplomatic guarantees, no copies have been provided to the CM, the applicants or to the applicants’ counsels. This is particularly problematic given that Mr. Al Nashiri’s counsel initiated administrative proceedings to access the content of those documents.<sup>12</sup> Renewed, persistent and more creative methods should therefore be undertaken to implement the judgment’s requirement that such assurances be sought.

**Acknowledgement and apology.** The Committee of Ministers has repeatedly called on Polish authorities to “provide details about the measures taken or envisaged to acknowledge Poland’s role in and responsibility for the human rights violations that occurred in these cases without any further delay”.<sup>13</sup> This has yet to happen. Poland’s latest communications to the CM does not explain how and when it will issue a public acknowledgement of its role in the rendition program and the treatment of Mr. Al Nashiri or Mr. Abu Zubaydah. Neither does Poland’s updated Action Plan provide any details on this matter. Polish authorities continue to refuse to apology for human rights violations and even acknowledge the unlawful detention and torture of Mr. Al Nashiri and the state’s role in the CIA’s secret rendition program.

### *Abu Zubaydah v Poland and Abu Zubaydah v Lithuania*

#### **Payment of Just Satisfaction**

*Lithuania* We are pleased to recognise that after many years the payment of damages and costs by the Lithuanian government was completed in December 2021. We have appreciated the cooperation of the Lithuanian authorities in recent months to overcome the obstacles to payment of just satisfaction ordered by the Court in 2018.

*Poland* Just satisfaction has still not yet been paid by the Polish government. The state reflects in the 2022 action plan that in November 2021 the necessary documentation, including power of attorney, were presented to the Polish court holding the compensation for Mr Abu Zubaydah. Mr

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<sup>10</sup> Al Nashiri v Poland, para. 589.

<sup>11</sup> 1411th meeting (September 2021) (DH) - Rule 8.2a Communication from the authorities (20/07/2021) concerning the Al Nashiri group of cases v. Poland (Application No. 28761/11), [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=0900001680a34847](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680a34847), p. 2.

<sup>12</sup> Ibid.

<sup>13</sup> 1369 meeting (DH) March 2020 - H46-19 Al Nashiri group v. Poland (Application No. 28761/11), CM/Del/Dec(2020)1369/H46-19, [https://hudoc.exec.coe.int/eng#%7B%22EXECIdentifier%22:%7B%22CM/Del/Dec\(2020\)1369/H46-19E%22%7D%7D](https://hudoc.exec.coe.int/eng#%7B%22EXECIdentifier%22:%7B%22CM/Del/Dec(2020)1369/H46-19E%22%7D%7D), para. 12.

Abu Zubaydah’s Polish counsel have taken the necessary steps to request release of the funds from the Court but have not yet received a response to this motion. The import of the government’s observation that Mr Abu Zubaydah’s counsel did not contact them directly, but through the Court, as they had instructed, is unclear, but the Committee should be assured that counsel have completed all the steps indicated as necessary by the government and remain at its disposal. We await confirmation of the payment of just satisfaction ordered in 2014 without further delay.

**Domestic investigation.** The lack of effective investigation, and excessive ongoing secrecy and lack of transparency, are realities in both states. The Court’s judgements made clear both states’ failure to conduct an effective investigation, and that ongoing failure would amount to a continuing violation. Neither states report investigative steps in recent action plans, which instead serve to clarify and make explicit the lack of any investigation underway at this time. Moreover, far from increasing efforts to overcome investigative challenges, they reveal a counter-trajectory towards limiting or closing investigations.

*Poland.* With regard to investigation in Poland, we endorse the comments made on behalf of Mr. al Nashiri (above) in relation to suspension and partial discontinuation of the investigation.<sup>14</sup> This closure was challenged by counsel for Mr. Abu Zubaydah (and as noted above Mr. al Nashiri) and their challenges rejected on 7 September 2021. The reasons given for the partial closure – in particular the purported lack of knowledge of wrongfulness of a whole group of Polish suspects – contradict available facts and the conclusions of the ECtHR that such lack of knowledge was ‘inconceivable’. In its response to the CM in September, Poland notes vaguely that the investigation is ‘stayed’ not definitively closed<sup>15</sup> and may be reopened if evidence presents itself, which provides little solace in practice as evidence will not gather itself.

In its January action plans the state again describes the closure as ‘partial’, yet no information whatsoever was provided to indicate that there is any active investigation. This latest action plan in fact appears to clarify there is no active investigation as the remaining part that is not closed as such, is dormant pending US cooperation which is not forthcoming. It is now clear and beyond dispute that there is no indication of the thorough effective coordinated action necessary to take forward a robust investigation, and satisfaction of the right to truth, as required by the Court. The state is in flagrant non-compliance of this aspect of the judgment.

*Lithuania.* Regarding Lithuania, the Committee emphasized in its December 2020 session, as previously, the “necessity to conduct an effective investigation *rapidly* to establish the *truth* about

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<sup>14</sup> DH-DD(2021)809 1411th meeting (September 2021) (DH) - Rule 9.6 - Reply from the authorities (13/08/2021) to a communication from NGOs (Open Society Justice Initiative and Human Rights in Practice) (27/07/2021) in the cases of Al Nashiri and HUSAYN (ABU ZUBAYDAH) v. Poland (Applications No. 28761/11, 7511/13), [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=0900001680a38527](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680a38527)

<sup>15</sup> See e.g. Poland’s submission in September 2021, 1411th meeting (September 2021) (DH) - Rule 9.6 - Reply from the authorities (13/08/2021) to a communication from NGOs (Open Society Justice Initiative and Human Rights in Practice) (27/07/2021) in the cases of Al Nashiri and HUSAYN (ABU ZUBAYDAH) v. Poland (Applications No. 28761/11, 7511/13), [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=0900001680a38527](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680a38527).

what happened and how so that it can never happen again”.<sup>16</sup> The government’s response of July 2021, and again of January 2022 made clear this has not happened and that there is no commitment to change course. They provide no indication at all of investigative steps taken and as such, even on its own account, since the governments’ submissions of last year nothing had happened in the investigation.

Instead, the government has focused on excusing this situation, principally by reference to non-cooperation from the United States. However, there is nothing to indicate real efforts by the government to address this issue with the new US administration. As noted previously, while US non-cooperation is undoubtedly regrettable, and an obstacle, it is not, and cannot be allowed to be, definitive. CM has been clear that states should take ‘alternative’ steps to ensure effective investigation. Yet neither Lithuania nor Poland seem to have taken measures available to them to pursue effective cooperation internationally from other sources. These may include active engagement in collaborative investigation, seeking cooperation as necessary from other states in Europe or beyond, or from European institutions such as Europol and Eurojust.

Both Poland and Lithuania, have made vague references to cooperating with the International Criminal Court (“ICC”) in the context of implementation of their duty to investigate.<sup>17</sup> Firstly, consistent with the Court’s approach to complementarity, there can be no suggestion that the state meets its obligation to investigation and hold to account simply by being available to assist the ICC with an investigation. Secondly, and in any event, recent statements by the ICC prosecutor made clear that this investigation was ‘deprioritised’ and would not proceed, at least at this time. However, the Prosecutor also noted that he remains ‘willing to constructively engage with national authorities in accordance with the principle of complementarity,’<sup>18</sup> and it is open to the states to reach out and seek support from the ICC Office of the Prosecutor. This is consistent with the Prosecutor’s statement above and with the office’s longer standing strategic goal for developing partnership with national prosecutions.<sup>19</sup> This may be one of a number of unexploited routes that could be pursued were the governments serious about conducting an effective investigation.

**Recognition, acknowledgement, and apology.** It is remarkable that neither state has acknowledged responsibility, or apologised to Mr. Abu Zubaydah, despite the Court’s judgments. On the contrary, statements by the authorities have undermined the Court’s findings. A recent example is seen in public statements by Lithuanian authorities broadcast on Lithuanian television

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<sup>16</sup> 1390th meeting, 1-3 December 2020 (DH), H46-15 Abu Zubaydah v. Lithuania (Application No. 46454/11), CM/Del/Dec(2020)1390/H46-15, [https://hudoc.exec.coe.int/eng#{%22EXECIdentifier%22:%22CM/Del/Dec\(2020\)1390/H46-15E%22%7D}](https://hudoc.exec.coe.int/eng#{%22EXECIdentifier%22:%22CM/Del/Dec(2020)1390/H46-15E%22%7D}), para. 11

<sup>17</sup> See eg Poland Action Plan 2022; Lithuania July 2021.

<sup>18</sup> Statement of the Prosecutor of the ICC, Karim A. A. Khan GC, following the application for an expedited order under article 18(2) seeking authorization to resume investigations in the Situation in Afghanistan, 27 September 2021 <https://www.icc-cpi.int/Pages/item.aspx?name=2021-09-27-otp-statement-afghanistan>

<sup>19</sup> see our Rule 9 submissions July 2021.

questioning the Court's evidence and findings of responsibility.<sup>20</sup> Both governments should be asked to confirm in clear terms that they accept the facts, as found established beyond reasonable doubt in the Courts judgements, and acknowledge responsibility for their role in rendition and the violation of Mr Abu Zubaydah's rights. It is a striking rebuke to these historic processes that neither state has been willing to do so to date.

**Assurances regarding cessation of ongoing flagrant denial of justice.** Both states have in turn failed to seriously engage with the responsibility to make representations, and take action, to end or mitigate the 'flagrant denial of justice' in Guantanamo, as required by the Court and CM. The committee has repeatedly expressed concern that "the consequences of the violation of the Convention for the applicant have not been remedied as Mr. Abu Zubaydah remains subjected to a flagrant denial of justice, notably due to his indefinite detention."<sup>21</sup> It has noted that the government should pursue and intensify diplomatic efforts, including other forms of intervention at a higher level, and "consider other avenues to address the situation including intervening [as amicus curiae] in domestic proceedings for example".<sup>22</sup>

None of that creative coordinated or reinvigorated effort to ensure the effectiveness of representation has been made by either state and nor have they been put under pressure to do so. The Prosecutors office did not intervene in proceedings in US courts brought by the victim in relation to Polish proceedings, seeking access to interview the psychologists involved in the design and implementation of the torture techniques used in the rendition programme.<sup>23</sup> Nor is there any indication of outreach to other states or institutions to intervene collectively, as requested and anticipated in earlier CM recommendations, to render representations more compelling and effective. This could involve collective action by the range of states responsible for contributing to his ongoing flagrant denial of justice (in this case at least 6 states beyond the US).<sup>24</sup> The states could also engage the broader Council of Europe community of states and institutions to seek effective collective action at the highest level in respect of the flagrant denial of justice of our client as reflected in earlier CM decisions.

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<sup>20</sup> See comments of *Minister of Defence of Lithuania (Arvydas Anusauskas)* and representative of the Ministry of Justice (*Richardas Dzikovich*) in the news: <https://lnk.lt/zinios/lietuvoje/152643>

<sup>21</sup> 1390th meeting (1-3 December 2020) (DH) - H46-15 Abu Zubaydah v. Lithuania (Application No. 46454/11), CM/Del/Dec(2020)1390/H46-15, [https://hudoc.exec.coe.int/eng/?i=CM/Del/Dec\(2020\)1390/H46-15E](https://hudoc.exec.coe.int/eng/?i=CM/Del/Dec(2020)1390/H46-15E). See also: 1411th meeting (DH), 14-16 September 2021 - H46-21 Abu Zubaydah c. Lithuania (Application No. 46454/11), CM/Del/Dec(2021)1411/H46-21, [https://hudoc.exec.coe.int/eng#%22EXECIdentifier%22:%5B%22CM/Del/Dec\(2021\)1411/H46-21E%22%5D](https://hudoc.exec.coe.int/eng#%22EXECIdentifier%22:%5B%22CM/Del/Dec(2021)1411/H46-21E%22%5D)].

<sup>22</sup> Ibid

<sup>23</sup> Pending before the US Supreme Court, *United States (petitioner) v. Zayn Al-Abidin Muhammad Husayn aka Abu Zubaydah et al (respondents)*, no. 20-287, 6 October 2021 [https://www.supremecourt.gov/oral\\_arguments/argument\\_transcripts/2021/20-827\\_l6gn.pdf](https://www.supremecourt.gov/oral_arguments/argument_transcripts/2021/20-827_l6gn.pdf)

<sup>24</sup> In April 2021 a case was brought against six states to the UN Working Group on Arbitrary Detention: *Abu Zubaydah v Governments of USA, Thailand, Poland, Morocco, Lithuania, Afghanistan, UK*: <https://static1.squarespace.com/static/5b82ab175b409b90d4c99071/t/609c1e66dcc584609980b82d/1620844135983/30042021+AZ+v+US+filed+-public.pdf>



There is sadly no indication of Poland, Lithuania or other states having pressed for his release, or offered to facilitate relocation (with his consent), or provide essential rehabilitation. This despite the fact that after almost 20 years of arbitrary detention without charge or trial, torture and other violations, Mr. Abu Zubaydah's release is an essential part of bringing to an end the 'flagrant denial of justice'. The relevance of this failure to his case is clear, including from the decisions of the superficial Periodic Review Board process, which noted the lack of offers of relocation when purporting to justify continued detention. This discussion is especially timely at this juncture, having now passed the twentieth anniversary of the opening of the arbitrary detention site at Guantanamo. More robust and effective engagement is plainly required to bring the continuing violations at the heart of these cases to an end. States should make public their individual and collective efforts in this respect.