



THE PERMANENT MISSION  
OF THE  
UNITED STATES OF AMERICA  
TO THE  
UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS  
IN GENEVA

October 9, 2023

Fionnuala Ní Aoláin  
Special Rapporteur on the promotion and protection of human rights and fundamental  
freedoms while countering terrorism  
Geneva, Switzerland

Matthew Gillett  
Vice-Chair on communications of the working group on arbitrary detention  
Geneva, Switzerland

Aua Baldé  
Chair-Rapporteur of the working group on enforced or involuntary disappearances  
Geneva, Switzerland

Morris Tidball-Binz  
Special Rapporteur on extrajudicial, summary or arbitrary executions  
Geneva, Switzerland

Dear Special Procedures Mandate Holders:

Please find enclosed the U.S. response to your request for information regarding Mr. Ghassan  
Abdallah Ghazi al-Sharbi.

Sincerely,

Branka Bell  
Acting Deputy Permanent Representative  
U.S. Delegation to the UNHRC

## **U.S. response to request for information regarding Mr. Ghassan Abdallah Ghazi Al-Sharbi**

Dear Special Procedures Mandate Holders:

Thank you for your letter dated August 10, 2023, requesting information regarding Mr. Ghassan Abdallah Ghazi al-Sharbi, who was cleared for release and transferred from the detention facility at the U.S. Naval Station Guantánamo Bay to Saudi Arabia on March 8, 2023. We are grateful for the work you do across the globe to promote respect for human rights and for the opportunity to provide the below information concerning U.S. law, policy, and practice.

The United States believes it is in both our national interest and in the interest of those individuals transferred from the Guantanamo Bay facility that each transfer results in the former detainee's rehabilitation and reintegration into peaceful civilian life. Additionally, under U.S. law and policy, the humane treatment of a detainee upon transfer from the Guantanamo Bay facility is a critical factor for any transfer, and the Department takes seriously the task of identifying countries for repatriation or resettlement that will respect the human rights of transferees.

The United States relies on a number of measures to ensure that transfers from the Guantanamo Bay facility are conducted in a manner consistent with the principle of non-refoulement. Prior to the transfer of any detainee, the United States obtains assurances of humane treatment, including assurances that transferred individuals will be treated in accordance with the domestic and international obligations of the receiving country. In assessing whether a transfer should proceed, the United States considers the totality of relevant factors relating to the individual and the government in question, including but not limited to the diplomatic assurances that have been provided and any concerns regarding mistreatment. The United States will not transfer any individual to a country where it determines it is more likely than not that the individual will be tortured.

Once an individual is transferred to the receiving country, that individual is subject to that country's laws and procedures. The security and humane treatment assurances negotiated by the United States with governments repatriating or resettling former Guantanamo Bay detainees do not preclude a country from applying its domestic laws to transferred individuals as it may deem warranted. However, the United States expects receiving countries to act at all times in line with the assurances provided. The United States has engaged with the Government of the Kingdom of Saudi Arabia regarding Mr. al-Sharbi, emphasizing the need to abide by the humane treatment assurances provided and for any legal proceedings against him to be conducted fairly and with appropriate transparency, and will continue to do so. The United States otherwise respectfully refers any questions you have regarding the specifics of Mr. al-Sharbi's status and treatment in Saudi Arabia to the Kingdom of Saudi Arabia.

As to allegations in your letter regarding the treatment of Mr. al-Sharbi prior to his transfer, the United States takes very seriously its responsibility to provide for the safe and humane care of

detainees at Guantanamo Bay. We underscore most emphatically that Mr. al-Sharbi was treated humanely in the lead-up to his transfer and throughout the transfer process, in full accordance with our domestic and international obligations.

We hope this information is useful to you and look forward to continuing to work with you constructively as we pursue our shared goal of responsibly reducing the detainee population at the Guantanamo Bay facility.