Negative

I negate.

My value for this round is Morality. My Value criterion to uphold this value is the Just War Theory.

The resolution asks whether or not we ought to give non citizens accused of terrorism due process rights, although affirming the resolution sounds like a good idea, giving a noncitizen accused of terrorism constitutional due process would endanger more than we can benefit and there is no practical way to do it. Because the negative is the only one that can bring actual results and benefit the most people, therefore doing the most good, you automatically negate.

**Obs.1) Accused terrorists are not currently treated under the Geneva Convention.**

**Contention 1- We are all terrorists**

**Contention 2- Non- citizens accused of terrorism should be classified as prisoners of war and treated according to the Geneva Convention.**

The Geneva Convention is an International treaty first made in Geneva in 1864.The Geneva treaty tells us the right way to treat prisoners of war. article 4 of the 3rd Geneva convention qualifies terrorists, and terrorist groups as Prisoners of War, therefore it is practical that we follow this international treaty and benefit not only citizens accused of terrorism but U.S. citizens as well.

Because the War in Afghanistan qualifies as an international armed conflict, terrorists are committing acts of war. When captured, they are prisoners of war.

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| **Maria Nybondas associate professor at the TMC Asser Institute**, **The** relevant **rules as to who can get a status as POW can be found in Article 4 of the Third Geneva Convention [.]**and Articles 43 and 44 of 1977 Additional Protocol I to the Geneva Conventions**. Both the US and Afghanistan are parties to the Geneva Conventions, which are accordingly applicable to the conflict in Afghanistan. Moreover, the Geneva Conventions are part of international customary law and are** as such **applicable even without the ratification of a State Party to the conflict.** Although the US has not ratified Additional Protocol I, the rules included in this instrument are by and large constituent of customary law, which would also make these rules applicable to the US.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Maria **Nybondas** 20**02**  [associate professor at the TMC Asser Institute], “The Legal Situation Surrounding the Guantanamo Bay Detainees,” TMC Asser Institute. |

Both Afghanistan and the US are part of the Geneva Convention, and thus should follow it.

Under the Geneva Convention terrorists groups qualify as Prisoners of War.

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| **Nyabondas 2: Article 4 of Geneva Convention III lays down which groups of persons are entitled to a POW status when captured in an armed conflict.** Article 4(A), which includes rules applicable to non-occupied territory, reads as follows:  ‘Prisoners of war, in the sense of the present Convention, are persons belonging to one of the following categories, who have fallen into the power of the enemy:  (1) Members of the armed forces of a Party to the conflict, as well as members of militias or volunteer corps forming part of such armed forces.  (**2) Members of** other militias and members of other volunteer corps, including those of **organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied[.]**, provided that such militias or volunteer corps, including such organized resistance movements, fulfil the following conditions:  (a) that of being commanded by a person responsible for his subordinates;  (b) that of having a fixed distinctive sign recognizable at a distance;  (c) that of carrying arms openly;  (d) that of conducting their operations in accordance with the laws and customs of war.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Maria **Nybondas** 20**02**  [associate professor at the TMC Asser Institute], “The Legal Situation Surrounding the Guantanamo Bay Detainees,” TMC Asser Institute. |

There are two major advantages to treating terrorists as prisoners of war under the Geneva Convention. First, it protects our national security by not allowing non citizens accused of terrorism to be tried. They can be held for the entire duration of the conflict. Second, the suspected terrorists must be treated humanely. This does not allow for things like torture.