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Guantánamo 10th anniversary op-ed

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Guantánamo: A decade of damage to human rights

Ten years ago, in the aftermath of the 9\11 attacks, US President George W. Bush ordered the establishment of an off-shore prison designed to hold “enemy combatants” captured in the newly-declared “war on terror”.

That prison – Guantánamo – with its hoods and orange boiler suits, cages and razor wire stockades, soon came to symbolize arbitrary detention, rendition, torture and other abuse, and the overall failure of US authorities to respect the detainees’ human rights.

President Bush may have come to regret his creation. Eventually even he said he wanted to close the detention facility. Yet when he left office, Guantánamo was still open for business and 245 men were still being held there.

Bush’s successor, Barack Obama, pledged to close Guantánamo “promptly”, and by January 2010 at the latest. Nearly three years after his promise, Guantánamo is still open, and more than 150 men are still there.

Guantánamo was always designed to be difficult. Its location, on the grounds of a US Navy base on the south-eastern tip of Cuba, was selected in part to avoid US laws on habeas corpus. Its isolation meant operations could avoid scrutiny. There was restricted access for lawyers, no family visits and virtually no contact with the outside world. The men who were taken there were very alone indeed.

Things didn’t happen at Guantánamo by accident. Senior army officials dubbed it “America’s Battle Lab”, endorsing an environment “conducive to extracting information by exploiting the detainees’ vulnerabilities”. Inhuman and degrading treatment and conditions were common, and the facility was connected to wider systems of secret detention and torture. Perpetrators had little to fear as the US used secrecy to hide the human rights violations and did little or nothing to hold those responsible to account.

For years, the men held at Guantánamo were denied the right to court hearings on the lawfulness of their detention. The few that did face trial faced ad hoc military commissions, not ordinary courts of law, which applied rules that fell far short of international fair trial standards. The military tribunals retain a primary role today, with their use seemingly becoming even more entrenched.

President Obama has backed away from his promise to close Guantánamo, citing an obstructionist Congress, domestic pressures and a climate of fear in the US as reasons he can’t act. But this can’t be a valid excuse. The US doesn’t accept that reasoning from other countries. And the rest of the world shouldn’t accept it from the US.

The US speaks the language of human rights fluently on the global stage, but it stutters when discussing its own behaviour. Both Bush and Obama promised to put human rights at the centre of their counter-terrorism strategies, but the US continues to fall far short of this commitment.

Instead, the message sent by the US government by the continuing existence of Guantánamo and the policies it represents is that the whole world is the battleground in a global “war” in which human rights don’t apply and in which the US has the exclusive right to make up its own rules.

Under this approach, humane treatment of prisoners looks more like a policy choice, not the legal requirement it is, the right to a fair trial is made to depend on the accused’s nationality or domestic political considerations and human rights can be discarded if they conflict with “domestic values”. It means that justice is tilted in the government’s favour, that trials, including those carrying the death penalty, can be held in front of military tribunals, and that prisoners can be held indefinitely even if a court orders otherwise.

Under this approach, prisoners and other victims of human rights violations are left without remedy. Perpetrators can escape any consequences. Victims of the 11 September attacks are themselves deprived of the right to see those responsible brought to trial before proper courts. And double-standards, not universal standards, are the order of the day.

These are the messages that Guantánamo sends to the world, and the world is most certainly paying attention.

If the US government really wants to demonstrate its commitment to human rights, it must not only immediately close Guantánamo, it must end the policies of disrespect for human rights that Guantánamo has come to symbolize. It must disavow its doctrine of global war and embrace international human rights standards. And it must hold accountable those responsible for secret detentions, torture, rendition and a decade of abuse of human rights.

President Obama has said that the Guantánamo detentions were a “misguided experiment”, but he has kept the laboratory operating.

Ten years on from its creation, Guantánamo is still open, still violating human rights. It has come to symbolize a decade-long assault by the US on the most fundamental human rights principles. The long shadow Guantánamo casts will continue until it, and all that it represents, are finally made a matter of history.

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