

Habeas corpus and the war on terror critical thinking

[Law](#), [Evidence](#)



In the article ' Guantanamo and beyond: Dangers of rigging the rules', Foley outlines the various factors that shows that the Guantanamo detention rules that were enacted as a way of fighting terrorism after the 9/11 are unrealistic. The rules as he states, have reversed the application of Habeas Corpus in the interrogation process in addition to denying the suspects from presenting evidence that could determine whether they are innocent or not. In addition, these rigged rules may alleviate terrorism activities instead of reducing them. This is because the police arrests suspects and little interrogation is conducted to determine whether they are involved in terrorism, thus giving the actual terrorists an opportunity to execute their plans. Determining the innocence of the suspects is made by the tribunal which consists of military officials instead of judges. Similarly, the suspect is neither granted a right to have a counsel nor given a chance to appeal in case they feel that the judgment was unfair or biased under the CRST rules. This has made the rules neglect making presumptions by habeas corpus and instead, they rely on the initial evidence used to detain a suspect for being an enemy combatant.

The method of interrogation used in extracting information from the suspect further results to distorted information as the suspects are sometimes forced to give false information through torture. As a result, the CRST rules mislead the public into believing that the government is effectively fighting terrorism. As a way of making these rules effective on the fight against terrorism, Foley suggests that changes should be made to include investigative methods in collecting evidence. The rules should also be changed to allow a fair hearing by a judge and grant rights habeas corpus and ability to appeal a case. The

question is should the current interrogation methods be used in addition to investigative methods?

References

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