

Why detaining terrorist in guantanamo bay was against american philosophy

[History](#)



Your full December 6, Why detaining terrorists in Guantanamo Bay was against American philosophy?

Lt. Cmdr. Swift's opinion is that the sole purpose of Guantanamo Bay is providing physical and mental torture to the detained terrorists; while, torture is just against American philosophy (Bonsignore and Katsh). The lawyer, Charles, Swift, was assigned the defense of a detainee during which, seeing how the American philosophy and the rule of law was being violated, "sued the president and secretary of defense over the new military-tribunal system", Brenner writes in her article. Swift saw the torture his client had been going through. Salim Ahmad Hamdan, a diminutive Yemeni who had been detained in Guantanamo Bay for more than five years, was kept in a tiny room kept cold with air conditioning, while he had nothing proper to cover himself, not even a pair of socks. Swift shared his thoughts with his partner law professor, Neal Katyal, who had been preparing legal briefs on the matter of President Bush's military tribunals. Katyal made his own efforts in writing drafts for the Supreme Court and the Court of Appeals trying to figure out what the Department of Defense was going to include in the new guidelines for the Guantanamo Bay detainees. Although the Supreme Court declared the military tribunals as illegal, still Congress protested and passed its own ruling regarding the secluded Guantanamo. This was a defeat of American philosophy. So, the lawyers, Swift and Katyal, decided to challenge Congress.

Why detaining terrorists in Guantanamo Bay is against the American philosophy has many fair reasons. It is not legal in any case, according to human rights, to deprive a prisoner of war of his legal right of either being

tried or released if proved innocent. The detainees at Guantanamo Bay are neither tried nor released, and they do not even know why they have been brought there and kept in brutal torture. Detainees have been held in Guantanamo Bay without charge for more than five years many of whom have been subjected to severe abuses. This has significantly torn apart American reputation of war. Guantanamo has become an epitome of lawlessness in the eyes of the whole world. American philosophy has enabled the United States to stand among one of the strongest democracies which support human rights and which make other nations comply with the international standards of human rights and humanitarian laws. But now, even the allies of the Bush's administration are looking at Guantanamo policy as a failure and violation of American philosophy of war and human rights. Carafano and Rona state that:

That the administration's defenders are now arguing that those who seek compliance with the laws, including the treaties the United States has promised to uphold, are somehow engaging in a kind of asymmetric warfare against this country goes a long way toward explaining why the administration's Guantanamo policy is a failure.

Hence, we see that Lt. Cmdr. Swift has been right in making appeals against the brutal policy of Bush's administration regarding the detainees at the Guantanamo Bay. American philosophy respects and honors human rights, while what has been going on in Guantanamo is just against the definition of human rights.

Works Cited

Brenner, Marie. Taking on Guantánamo. *Vanity Fair*. N. p., 2007. Web. 6 Dec

<https://assignbuster.com/why-detaining-terrorist-in-guantanamo-bay-was-against-american-philosophy/>

2011. .

Bonsignore, John J., and Ethan Katsh. *Before the Law: An Introduction to the Legal Process*. USA: Houghton Mifflin Co., 2005.

Carafano, James Jay, and Gabor Rona. "Should Guantanamo Bay Be Closed?" Council on Foreign Relations. Council on Foreign Relations, Inc., 2007. Web. 6 Dec 2011. .