

# Guantanamo bay should be closed essay sample



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## Introduction

Guantanamo Bay has tainted the image of United States especially in regard to observance of human rights. While the country has continuously pointed on other nations for failure to observe human rights, United States has been classified among nations breaching the UN charter on human rights.

Guantanamo Bay was opened in the height of war on terror and has been a detention centre for suspects of terrorism. Promising to return the war on terror back to track, newly elected U. S president Barack Obama has issued executive orders for close of Guantanamo Bay detention facility (CNN, 2009).

However, there are those who feel that closing Guantanamo Bay would hamper the war on terror since not many countries are willing to take in suspects of terrorism. For the years it has been in operation, Guantanamo Bay has been home to terrorist who would have planned for more terrorist attacks especially in the United States. Considering criticism on torture of terrorist suspects at Guantanamo Bay and the U. S ideals of human rights and freedom, there is a conflict that can only be resolved through closure of Guantanamo Bay. The main aim of the facility was to detain terrorism suspects and interrogate them in order to curtail their operations. Instead Guantanamo Bay facility has become an icon of torture and abuse of human rights. The closure of Guantanamo Bays is a step towards restoring U. S international dignity and returning the war on terrorism on course.

Guantanamo Bay should be closed within the stipulated time and the current detainees in the facility offered legal rights.

## Overview of Guantanamo Bay

Guantanamo Bay Detention Camp has been in operation since 1987 as a prison facility jointly operated by Joint Task Force Guantanamo. The facility has three main camps including Camp Delta, Camp Iguana and Camp X-Ray which is no longer in operation. Since 1970s, the facility was used to hold Cuban and Haitian refugees who had been intercepted attempting to enter United States illegally. However, the facility was declared illegal by U. S District Court Judge in 1993 and all the immigrants held in the facility were evacuated in 1995. In 2005, the facility was renovated at a cost of \$1 billion building new detention facilities with a perimeter around (Stafford, 2008).

However, the facility gained an important status after the September 11 attack and the consequential war on terror (Stafford, 2008). It became an important detention facility for suspects of terrorism. Since 2001 when the war on terrors was launched, more than 775 detainees have been held at Guantanamo Bay facility. By the end of 2008, more than 420 prisoners had been released without any legal trial while 245 detainees were still held in the facility by January 2009.

As of June 2008, the United States classified all the prisoners in the facility as enemy combatants. This was after the then U. S president George Bush claimed that these detainees were not protected under Geneva Conventions. This was further reinforced by U. S Supreme court rule in Hamden v. Rumsfeld in 2006 which showed that detainees in Guantanamo detention facility were under minimal protections as listed in the Article 3 in Geneva Conventions. It was under this ruling that the United States Department of Defense issued an memo which stated that detainees were entitled to protection as stipulated in Common Article 3 (Cowdery, 2003).

Although the operation of Guantanamo Bay Prison had been classified as a secret, there were several leakages through the media which criticized the interrogation techniques that were being employed in the detention facility. A leakage through the *International Herald Tribune* showed that U. S interrogators were using interrogation chart that was employed by Chinese Communist Army during 1957 Korean War (Stafford, 2008). Among the techniques which were employed in the chart included coercive management techniques, sleep deprivation, and many others which the Bush administration clearly stated that they did not amount to torture but mere interrogation techniques. The Bush administration also stated that the controversial techniques applicable to Third Geneva Convention were not applicable to Al-Qaeda and Taliban fighters since the convention only applied to uniformed soldiers or guerrilla fighters. However human rights activists have clearly stated that terrorist suspects should be treated like any other suspect and hence should not be interrogated using torture techniques (Morgan, 2009). Indefinite detention of suspects is also a form of torture since it deprives the suspect of their legal rights.

#### Why Guantanamo Bay should be closed

Guantanamo Bay has tainted the values that Americans stand for. While United States has been in the forefront in accusing other countries like Russia, China, and other of abuse of human rights, it is ironical that the county has been committing what it has been accusing other countries of. Although United States is not ranked high, human rights and individual freedom are important values that have held the American society together. Guantanamo Bay has tainted U. S reputation in the world and there is no

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reason why anyone should deny the fact that time has come to close the facility and undo the damage that has tainted American reputation.

Guantanamo Bay has been classified as an icon of torture in abuse of human rights and if the country is to live to the values it holds so much dear to, there is no better alternative except closing it down and transferring the current detainees to legitimate prisons (Carafano and Gabor, 2007).

It does not matter the locale of the detention facility but the most important thing is that United States has to do the right thing whether it holds the detainees in its own soil or in foreign soil. So long as the detention facility is under the management of United States government, the right thing has to be done (Lewis, 2005). If the government cannot employ torture interrogation techniques to prisoners held in its own soil, it should not employ the technique to interrogating prisoners held in a detention facility in a foreign land. It is not late to close Guantanamo Bay detention facility. After there have been many detainees held without any charges brought against them for more than five years and at the same time subjected to human right abuses, there is a good reasons why time has come to shut the facility and let the U. S government do the right thing (Morgan, 2009).

Guantanamo Bay has become an illustration of U. S defiance of the rules laid down by world governing bodies (Carafano and Gabor, 2007). It should be understood that the level of lawlessness practiced in Guantanamo Bay has an effect on the rest of the world. Being the world strongest democracy that has been advocating for creation of systems and institutions that confer individuals their rights and freedom, United States has an obligation to ensure that the young upcoming democracies don't lose faith in these

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systems and institutions. The systematic failure of the United States to follow human rights laws as stipulated in Geneva Convention indicates that Guantanamo policy is a total failure which sets a bad precedent to U. S allies and enemies (Lewis, 2005).

United States should be in the forefront to ensure adherence and respect of international systems that govern humanitarian laws and human rights. Since this has not been achieved in Guantanamo, it is time to close down the facility. Echoing the words of Benjamin Franklin when he stated that those who want to sacrifice liberty for security should get neither, United States should also not compromise individual liberty for security reasons because at the end, none will be achieved (Morgan, 2009). In any case, human rights and the due process of law should compete with security but they should be used to ensure security. This is contrary to what the United States is trying to achieve in Guantanamo.

Guantanamo Bay is like a prison, but a dangerous prison to those detained and those taking care of the detainees. The facility is not run by the CIA or a private contracted company, but by the forces service men and women. This means that the atmosphere inside the prison can be compared to that in a battle ground. There are criminals in the facility who have fought the war from within. There are incidence of maltreatment of U. S Armed forces service men and women who have spitted at while others suffered near stabs from the prisoners held in the facility (Carafano and Gabor, 2007).

Doctors who offer medical services to the prisoners have had to wear protective attires especially in their necks in case of an attack from prisoners and are in most cases they are accompanied by armed service men and

women. This means that the laborers at the facility work under harsh and risky condition and there is no need to continue risking more lives to keep the facility in operation. It is high time that the government close down the facility.

More than 8 years after waging war on terror, nothing much has been achieved except tainting our own image and international reputation. Threats of terrorism remain real despite holding terrorism suspects at Guantanamo (Lewis, 2005). Closing down the Guantanamo facility will offer a new course of action, that will be dedicated to serious and a difficult war to combat terrorist. Guantanamo Bay cannot be considered as a drifted strategy but a failure in strategy. The future course of war on terrorism should recognize that adherence to human rights, values, and integrity of our institutions will be the source of strength to fight terrorism.

Faced by increasing anti-Americanism especially among Islamic extremists, the United States government has an obligation to protect its citizens and its properties against terrorism. This means that the need for an effective counterterrorism policy is more needed than ever (Carafano and Gabor, 2007). However, an effective counterterrorism policy will not be achieved through abuse of human rights and disregard of international laws. Despite the current controversy surrounding Guantanamo Bay, U. S must put in place an effective counterterrorism policy that segregates terrorist, gather intelligence on their activities, hold criminal for their crimes and curtail the spread of terrorist ideology. However this must be achieved through legitimate the lawful means and the current strategy used in Guantanamo has been short of this. In other words, Guantanamo Bay has failed to

achieve its mandates since terrorism is still growing and suspects like Osama Bin Laden and others remain at large. Closing Guantanamo Bay would signal a new beginning in the war on terror, one that would ensure adherence to law and gain support from allies on war on terror (Morgan, 2009).

The failure of Guantanamo Bay is inherent in its design. Initially the facility was meant to carry out detention and interrogation through the use of unlawful means. Guantanamo Bay has been turned to an icon of torture, arbitrary arrest and detention and conducting of kangaroo courts. It is important to acknowledge that there are hundreds of criminals held in Guantanamo who deserve to be in that facility but at the same time there are hundreds of others who have been held in that facility for no apparent reason. Following the labeling theory of criminology, most of the innocent detainees who are held in the Guantanamo Bay for long may end up becoming terrorists (Morgan, 2009). This means that Guantanamo Bay is a poster child used in recruitment of terrorists through the influence of terrorists held in the same facility with innocent detainees. Due to the high level of criticism regarding the treatment of detainees at Guantanamo Bay, the war on terror has been turned to a U. S. affair and the level of international cooperation has been eroded. There is need to close down the facility in order to give war on terror a new chapter where all international players will be brought on board.

Conclusion



Since the launch of war on terror, the Guantanamo Bay detention facility has become important in detaining terrorisms suspects. Since 2001, more than 775 suspects have been detained in the facility and while some have been released without trials, there are hundreds who are still held in Guantanamo still awaiting trial. However, Guantanamo has become controversial due to allegations of torture and denial of legal rights to prisoners held in the facility. The U. S government categorically stated that prisoners held in the facility were not subject to Geneva Convention protections. However the new move by President Obama to close down the facility should be applauded for a number of reasons. Guantanamo Bay has tainted the image and reputation of United States in respect of human rights and civil liberty and hence it should be closed down to undo the damage it has done on our image and reputation. Guantanamo Bay has become a symbol of torture illustrating U. S defiance to international law which advances reasons for its closure. Due to wide criticism, Guantanamo Bay has been a block to international cooperation in the war on terror. Therefore closing the facility will come with a new chapter of international cooperation in the war on terror.

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