

# Human Rights Watch

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

<https://www.hrw.org/news/2005/01/10/guantanamo-three-years-lawlessness>

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Detainees Still Held Indefinitely Without Basic Rights

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Three years after it was created, the U.S. prison camp at Guantanamo remains an enclave outside the law, Human Rights Watch said today. The Bush administration still rejects any serious inquiry into the mounting evidence that U.S. officials have tortured or mistreated prisoners at Guantanamo.

As the Pentagon prepares to build a permanent prison at its Guantanamo naval base, the U.S. government continues to detain people indefinitely without charge or trial or without applying the Geneva Conventions. The Bush administration still rejects any serious inquiry into the mounting evidence that U.S. officials have tortured or mistreated prisoners at Guantanamo.

Guantanamo has become the Bermuda Triangle of human rights. Basic rights vanish there, said Wendy Patten, U.S. Advocacy Director at Human Rights Watch. By flouting international law in its treatment of detainees, the Bush administration has drawn worldwide criticism and undermined support for U.S. counterterrorism efforts.

The United States currently holds some 550 people as enemy combatants at Guantanamo. Although gathering intelligence has been a central U.S. justification for the detentions, some U.S. officials say most of the detainees are no longer considered of intelligence value. Recently, senior administration officials have indicated that the Pentagon intends to move away from regular interrogation of most detainees, and to provide less restrictive conditions of detention for many of those whom the U.S. government does not want to release.

Three years on, the U.S. government still ignores the need to provide legal justification for those who remain in detention. The Pentagon evidently intends to hold detainees at Guantanamo for years to come without charge or trial. The Pentagon has constructed a permanent high-security prison at the base and plans to build another permanent prison for 200 medium-security detainees.

The Bush administration is claiming the power to lock people up without due process, possibly for the rest of their lives, said Patten.

There is growing evidence that detainees at Guantanamo have suffered torture and other cruel, inhuman or degrading treatment. Reports by FBI agents who witnessed detainee abuse have recently emerged, adding to the statements of former detainees describing the use of painful stress positions, extended solitary confinement, use of military dogs to threaten detainees and prolonged exposure to extremes of heat, cold and noise. Some of this ill-treatment included interrogation methods previously authorized by the U.S. Secretary of Defense, Donald Rumsfeld.

Although the Pentagon has announced it will investigate the recent allegations of abuse contained in the FBI documents, another internal inquiry is unlikely to produce meaningful results. An inquiry by the Navy inspector general into the treatment of detainees at Guantanamo involved only two days at the naval base, and did not include any interviews with detainees. His inquiry found only a handful of minor infractions.

Another internal investigation is not the answer, said Patten. What's needed is an independent evaluation of how the detainees have been treated and of who authorized or condoned the abuse.

Three years after the first detainees arrived at Guantanamo, the fate of the military commissions created to try them is also uncertain. Only four of the some 550 detainees at Guantanamo currently face charges, either for war crimes or other crimes. After a federal court in November ruled that the commissions did not meet the requirements of the Geneva Conventions or basic guarantees for fair trials, the Pentagon suspended proceedings in all of the cases. Human Rights Watch has consistently criticized the military commissions as fundamentally flawed, lacking the rules and structure necessary to ensure fair trials.

It's time for the administration to pull the plug on the military commissions," said Patten. "The U.S. government should use courts-martial

and federal courts to prosecute detainees accused of war crimes or other serious offenses."

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