

GUANTÁNAMO BAY DETENTION CAMP: HISTORY AND EVOLUTION

IMPACT: Guantánamo Bay Naval Base, located in Cuba, was chosen as the site of a detention center due to its uncertain legal status—allowing the U.S. government to argue that those detained at the base were not entitled to certain rights under U.S. laws. The prison at the base consists of several distinct camps, each with differing security levels, transparency, and categories of detainees. Former President Barack Obama promised to close the prison but failed to do so. Current President Donald Trump has pledged to not only keep the prison open but fill it with more detainees.

- The **prison at Guantánamo Bay naval base opened on January 11, 2002 and was created in order to house suspected terrorists captured during the U.S.-led war in Afghanistan.** While the naval base at **Guantánamo Bay is under U.S. control, it is not technically American territory because the U.S. rents the land from the Cuban government under a coerced agreement signed in 1903, following the 1898 Spanish-American War.** This uncertain legal status is one of the reasons Guantánamo Bay was chosen as a detention site; it allowed the U.S. government to claim that the individuals held there were not entitled to certain rights guaranteed under American laws. However, outside observers have pointed out that the degree to which American laws are applied in Guantánamo varies widely depending on circumstances.
- The **current prison at Guantánamo Bay was preceded by one where Haitian refugees fleeing a coup d'état were sent in the 1990s and overseen by then-Attorney General William Barr** (who is currently serving his second term as Attorney General in the Trump administration). Cubans seeking asylum were also sent there. At its peak, the camp held around twelve thousand Haitian refugees. Additionally, a separate camp housed around 300 Haitian refugees who were found to be HIV positive in what has been called “an HIV prison camp.” District Court Judge Sterling Johnson Jr. later found this practice to be a violation of the U.S. constitution.
- The **prison at Guantánamo Bay is made up of several distinct camps, all of which differ in their security level, their transparency, and who are imprisoned there.** In total, those imprisoned have been held in 12 publicly acknowledged sites, most of which are currently empty. Some of the **most notorious of these sites are Camp Iguana, Camp 7, Camp Echo, and Camp X-Ray. Camp Iguana was initially created for minors imprisoned in Guantánamo. Camp 7 was created to house former blacksite prisoners, and its existence was not revealed until late 2007.** It has never been seen by representatives of the media. Fifteen men are currently imprisoned there. Camp Echo was originally a CIA blacksite. Camp X-Ray was the first camp built, and consisted mainly of cells made from chain link fencing. **It was images of Camp X-Ray that prompted the first major public outcry against the prison.**
- Keeping the Guantánamo Bay Detention Camp open is extremely costly. **Since 2002 it has cost the United States \$6 billion, and the yearly cost of imprisoning each person is over \$13 million.** According to Carol Rosenberg, who has reported on Guantánamo since 2002, this “almost certainly makes Guantánamo the world’s most expensive detention program.”
- In 2008, President Barack Obama campaigned on a promise to close the military prison, and on his second full day in office he signed Executive Order 13492, which ordered the closure of the prison within the year after a review of all the remaining prisoners. While the population of the prison fell from 242 to

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41 during his time in office, it was not closed and at one point his administration **designated 48 men for indefinite detention**. One obstacle Obama faced in trying to close the prison was the National Defense Authorization Act of 2015, which banned the transfer of imprisoned men at Guantánamo Bay military prison to U.S. soil. This obstacle to the closure of the prison remains in place.

- **President Donald Trump has not only refused to close Guantánamo Bay military prison, but he has also pledged to fill it with more prisoners.** During a 2016 campaign rally he said, “Guantánamo Bay, which by the way...we are keeping open. Which we are keeping open...and we’re gonna load it up with some bad dudes, believe me, we’re gonna load it up.” In **2018 Trump signed Executive Order 13823 overturning Obama’s order to close the prison and authorizing the government to “transport additional detainees” to Guantánamo Bay.** In 2017 Trump’s Department of State also dismantled the Office of the Special Envoy for Guantánamo Closure, which was responsible for organizing the release of individuals imprisoned and for monitoring them post-release.
- Although the conditions at Guantánamo Bay have reportedly improved in recent years, the “improvements” cited demonstrate the previous extent of its restrictive and harsh conditions. For example, the remaining men imprisoned are now allowed a change of clothes and analog wristwatches and are no longer kept isolated in their cells all day. However, **the men still imprisoned at Guantánamo Bay argue that these slight improvements do not take away from the fact that they are not free.** One of them, Abdul Latif Nasser, wrote in February 2020, “You might say things are better here in Guantanamo than they used to be. I am no longer kept in solitary confinement in a freezing, empty cell, as I was for the first four years.... But the mental anguish, the pain and humiliation of being shackled for no reason—that never changes.”
- **The Pentagon has requested \$88.5 million to build hospice facilities and modify the prison to accommodate the needs of aging detainees.** In May 2020 during the COVID-19 pandemic, a group of U.S. Senators wrote to the Secretary of Defense requesting information on how the “military is safeguarding the 40 prisoners,” given “the lack of a comprehensive medical infrastructure” at the base.