



NEWSHOUR

A NewsHour with Jim Lehrer special for students

EXTRA

## LESSON PLAN: THE RIGHTS OF DETAINEES AT GUANTANAMO BAY

### TEACHER KEY

1. What is Guantanamo Bay? What is Camp Delta and why was it constructed?

*Guantanamo Bay is an American naval base located in Cuba, a communist country with which the U.S. does not have a friendly political relationship. It is the oldest U.S. base outside of the continental U.S. Camp Delta is the detention center hastily constructed to hold prisoners defined as enemy combatants in the war on terror following the 9/11 attacks and the subsequent war in Afghanistan.*

2. How is it that the U.S. has a naval base in Cuba? What are the positions of the American and Cuban governments regarding this base?

*The U.S. and Cuba signed a treaty in 1903, reaffirmed in 1934, which leases the Guantanamo Bay site to the U.S. for \$4,000 per year until the U.S. abandons the site or both countries agree to a change. The U.S. maintains its legal right to operate the base as American territory. The current leader of Cuba, Fidel Castro, has never recognized the treaty and the Cuban government does not accept the rent payments.*

3. Who is being held at Guantanamo Bay and why? How have these detainees been classified and why? Why have some criticized the way in which they have been classified?

*About 600 prisoners, most captured in Afghanistan, are being held at Guantanamo Bay. The detainees are reported to be from 43 different countries although many are thought to be citizens of Saudi Arabia. They were classified by the Bush administration as "enemy combatants" rather than as prisoners of war. The Geneva Convention requires that captured prisoners be considered POWs until their status is determined by a competent tribunal. The administration determined that this was not necessary, sparking criticism. The Geneva Convention also states that POWs should only be required to state their name, rank, and serial number. The detainees, however, have been repeatedly interrogated.*

4. Why might Guantanamo Bay be considered an ideal place to keep the detainees from the perspective of the Bush administration? How does the administration justify holding the detainees there?

*Since the base is located in Cuba, it is quite isolated. The claim may be made that the operations on the base are not subject to U.S. laws since it is not on U.S. soil, although this is a matter of debate. The Bush administration considered the detainees dangerous terrorists who seek to harm the U.S. and its citizens. It hoped to gain useful information from them.*

5. Compare and contrast the rights of the detainees to those accused of crimes in the U.S. under the Bush administration's approach. What is habeas corpus?

*The Bush administration asserted its right to hold the prisoners indefinitely without filing charges. The U.S. Constitution grants all prisoners the right to know the charges against them and the right to a speedy trial. Habeas corpus is the right to be brought before a judge and be told the charges against you. It is considered a fundamental constitutional right. The courts have said that non-citizens are entitled to these rights as well.*

6. How did the Supreme Court get involved? How did the Supreme Court rule?

*As a result of concerns over the fairness of the military commissions system and the legality of indefinite detention, the Supreme Court ruled whether the detainees should have access to U.S. federal courts. The Supreme Court struck down a 2006 law supported by the Bush administration and allowed Guantanamo Bay prisoners to challenge their detention through the U.S. federal court system.*