

Guantánamo: Mezi bezpečností a lidskými právy. Věznice na Guantánamu v americkém veřejném diskurzu během prezidentství George W. Bushe

Lenka Květová

B.A. Dissertation Evaluation 2011

Lenka Květová has written an interesting Bachelor's dissertation on the issue of Guantánamo. The issue of detaining prisoners captured in the war on terror there has been rather controversial. The work consists of an introduction, three main chapters, and a conclusion. The bibliography is quite lengthy and Lenka has obviously made ample use of the internet. She even includes a graph detailing the number of detainees. In my view, the introduction clearly spells out the aim of the dissertation, namely that the United States Supreme Court rejected the initial position of the Bush administration on the detainees. While her goals are clear, Lenka could have done a better job analyzing her sources in the introduction.

Chapter 1 is entitled "Guantánamo in the War on Terror." Lenka recapitulates that the Bush administration sought to detain and question suspects captured in Afghanistan following the 9/11 attacks. Guantánamo was chosen so that the detainees would not be able to use the American judicial system with the same rights as any prisoners in the United States. Lenka then describes what went on in Guantánamo and the position of the American public and the courts on the matter. I have no problem with this chapter as it fulfills its stated purpose.

Chapter 2 evaluates the discussions surrounding the detention of suspects at Guantánamo. The first section deals with legal issues. The *Authorization for Use of Military*

Force passed by Congress on 14 September 2001 was used by the Bush administration as a justification for its actions. The legal dispute surrounding Guantánamo centered around the Bush administration's controversial assertion that the detainees had no rights because they were not American citizens and were being held outside of American territory. Opponents seized upon the fact that Guantánamo was an American military installation where Cuban law did not apply. In 2004, in the case *Rasul v Bush*, the Supreme Court granted detainees at Guantánamo access to American courts. Later, in 2006, the case *Hamdan v Rumsfeld* was decided in a manner that the Bush administration had violated military law and the Geneva Conventions with its military tribunals. The Supreme Court even stated that the tribunals themselves required congressional authorization. Later Supreme Court decisions upheld the principles of habeas corpus and reaffirmed access to the American judicial system. The second and third sections of this chapter illustrate both national security arguments in favor of Guantánamo and human rights arguments against Guantánamo.

Chapter 3 evaluates possible reasons for and obstacles to the closure of the detention facilities at Guantánamo. The matter has proved to be very complicated. What to do with the detainees? Should they be brought to the United States and stand trial there? What to do in cases where even the home countries of detainees did not want them? Congress passed the *Military Commissions Act of 2006*, which by no means satisfied opponents even though the process of military tribunals was streamlined and liberalized. Proponents claimed that the *Military Commissions Act of 2006* surpassed the requirements of international law and was therefore just.

In the conclusion, Lenka rehashes her main points. The Supreme Court ruled on the basis of legal arguments, but national security arguments were used by supporters of Guantánamo as were human rights arguments by opponents. She correctly points out that President Obama has not found a way to close the Guantánamo facility to this day.

This B.A. dissertation meets the requirements. Jana Sehnálková has been a fine supervisor. I find it difficult, however, to decide on a final mark. Perhaps the fairest way to deal with the matter is to recommend either **very good** or **excellent** depending on the oral defense.

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Doc. PhDr. Francis D. Raška, PhD.

IMS FSV UK

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