

CHAPTER I INTRODUCTION

A. Writing Objective

Since the terrorist attacks of September 11, 2001 U.S. Foreign Policy makers have united behind the clear agenda of combating terrorism, aggressively pre-empting perceived threats and asserting the United States right duty to act alone. Those, as a result of the deliberate crashing of four hijacked commercial airlines in New York City, Washington DC, and Pennsylvania, more than 3000 people lost their live in the United States of America. President Bush addressed to have directly the full resources of U.S. intelligence and law enforcement communities to find those responsible and bring them to justice. Military action began on 7 October 2001 with the first air strikes in Afghanistan, with the use of ground forces continued into March 2002.

Going into Afghanistan in October 2002 the U.S. had a fair understanding of al-Qaeda's strength, organization and location. They had a list of al-Qaeda people going in, and it included a lot of people who had passed through their training camp over the years. CIA intelligence at the same time suggests that al-Qaeda was about 5000 strong in Afghanistan.¹ Most of group members were killed in the bombing unleashed by the U.S. Military action. Most were arrested and detained by the U.S. in post 11 September sweep. During military operation a few hundred al-Qaeda members managed to get out including Bin Laden. The U.S. administration has enable counterterrorism officer to target al-Qaeda

¹ Rolling Stone, September 2006, p. 44

operative and eliminate around the world. The group members terminate captured in Pakistan, Arab Saudi, Algeria and else where outside the U.S.

Terrorist suspects had been captured during the military action, most of them have been arrested and taken into U.S. custody in Afghanistan and elsewhere outside the USA, and hundreds of them had been transferred to the U.S. Naval Base at Guantanamo Bay in Cuba. The U.S. government has threatened and transferred to select foreign nationals detainees to Guantanamo Bay, undermined extradition protection in cases of people taken into custody outside Afghanistan and transferred to Guantanamo Bay. Thousands of detainees remained held without charge in U.S. Custody in Iraq, Afghanistan, Guantanamo and in secret detention known as black sites believed to exist in Europe.

The Government has defended Guantanamo bay, in which government must have facility where it can hold terrorist suspect, those are foreign national detainees that has been placing into U.S. detention in Guantanamo. Based on description above the writer would like to title this Thesis "The U.S. Government's Interest in Holding Foreign Nationals Detainees in Guantanamo Detention Camps".

B. Writing Purpose

The writer would like to elaborate and to understand the U.S. government interest behind the operation of Guantanamo Detention Camp, concerning the foreign nationals detainees alleged to terrorist suspect. And to examine the actions of U.S. government in detaining foreign national detainees by outlining what the

purpose of U.S. Government in detaining foreign terrorist suspect in Guantanamo is, and uncover the motives behind detaining them in Guantanamo. Then, to implement the theories to understand the cases.

C. Background

In the wake of the September 11th attack on the World Trade Center, American attitudes regarding terrorism quickly change, congress authorized the President to use all necessary and appropriate force against those nations, organizations, or persons committed to the terrorist attacks that occurred on September 11, 2001. Whereas terrorist attack had long been punished as a crime, the new American approach escalated into a full scale “war on terror”. The United States has risked close international ties with traditional American allies in order to launch an offensive in Afghanistan and Iraq. The facts that the September 11th attack were immediately condemned as acts of war allowed and still allows the executive branch to justify the full extent of its military and intelligence operation, including the detention at Guantanamo Bay.

Guantanamo Bay is a 45 square mile United States base located in eastern Cuba. Frequently a port of call in Spanish colonial day, the bay was seized from Spanish in 1898.² Cuba leased the base to the United States in 1903 at 2,000 gold coins per year for an indefinite term, breakable only by mutual agreement. The annual cost of the lease is currently valued at \$4,085 in the 1990s. Guantanamo Bay naval base housed Haitian and Cuban refugees, but has since been

² M.E. Murphy, “The History of Guantanamo Bay”, Volume 1, January 5, 1953, http://www.ngstm.navy.mil/gazette/History_98-64/hischp2.htm (accessed November 2, 2006).

transformed into a detainment area for members of al-Qaeda and Taliban captured in Afghanistan.

On November 13, 2001, President Bush issued a Military Order on "Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism", authorizing the Secretary of Defense to detain anyone whom the President determined is or was a member of the organization known as al-Qaida, engaged in acts of international terrorism that threaten the United States, its citizens, national security, foreign policy, or economy.

Following the events of September 11, 2001 the military operations in Afghanistan and the ensuing capture of numerous individuals alleged to be members or fighters aligned with al-Qaida and the Taliban, a decision was made to transfer a number of detainees to the Camp X-Ray facility. Army issued a news release stating that the holding conditions at Guantanamo will be humane and in accordance with the Geneva Convention.³ In February of 2002, The Bush Administration outlined its policy with regard to the detention:

- a. Al-Qaeda, a foreign terrorist group, is not a state party to the Geneva Convention, therefore the Geneva Convention does not apply to al-Qaeda detainees, and it follows that no Prison of War (POWs) status will be afforded al-Qaeda members.
- b. Although the Taliban is not considered the legitimate Afghan government, Afghanistan is a party to the Geneva Convention. The convention applies to

³ Jim Garamone, "Joint Task Force Set Up in Cuba to Oversee Al-Qaida Detainees", *American Forces Press Service*, Department of Defense, January 11, 2002, http://www.defenselink.mil/news/jan2002/n01112002_200201111.htm (accessed November 2, 2006).

the Taliban detainees, however they do not qualify as POWs under the Third Convention.⁴

Those foreigners detainees captured by Americans troops in Afghanistan were labeled "enemy combatant", the Bush administration takes position that the Third Geneva Convention, which regulated the treatment of prisoner of war and confers benefits to those POW status, does not apply because the United States does not regard the prisoners as soldier for any sovereign nation. Guantanamo is central to the Bush Administration's strategy to prevent judicial review of the legal status of prisoners. Located on Cuban territory, it is the legal equivalent of outer space, unlike military bases on U.S. territories.

The Guantanamo was to serve as a temporary holding facility for detainees that come under U.S. control during the war on terrorism. On January 11, 2002, the first 20 detainees were offloaded from a C-141 transport plane in Cuba after a 15-hour flight from Kandahar, Afghanistan. With the opening of Camp Delta, Camp X-ray was closed on April 29, 2002. 300 detainees previously held at Camp X-Ray were transferred to Camp Delta on April 28, 2002.⁵ In July of 2003, about 680 alleged Taliban members and suspected al-Qaeda terrorists from 42 different countries were housed there.⁶ Amnesty International estimates on April 2005 there were at least 520 foreign detainees, while in June 2006 Women's International

⁴ Office of the Press Secretary, "Fact Sheet-Status of Detainees at Guantanamo", The White House, February 7, 2002, <http://www.whitehouse.gov/news/release/2002/02/20020207-13.html>. (accessed November 2, 2006).

⁵ <http://www.globalsecurity.org/military/facility/guantanmo-bay-x-ray.htm> (accessed November 2, 2006).

⁶ Victoria Brittain, "Trial by spin machine: The innocence of British Muslims released from Guantanamo is a story no official wants told", *Guardian (UK)*, March 14, 2006, <http://www.guardian.co.uk/comment/story/0,1730270,00.html>. (accessed November 4, 2006).

League for Peace and Freedom estimates 480 detainees still remaining at Guantanamo.

Table 1: Estimates number of foreign detainees in U.S. secret detention

USA's "war on terror" detainees, April 2005 (approximate totals/estimates)(11)	
USA: Naval Brig, Charleston, South Carolina	2 "enemy combatants"
Cuba: Guantanamo Bay naval base	520 (234 releases/transfers)
Afghanistan: Bagram air base	300
Afghanistan: Kandahar air base	250
Afghanistan: other US facilities (forward operating bases)	Unknown: estimated at scores of detainees
Iraq: Camp Bucca	6,300
Iraq: Abu Ghraib prison	3,500
Iraq: Camp Cropper	110
Iraq: Other US facilities	1,300
Worldwide: CIA facilities, undisclosed locations	Unknown: estimated at 40 detainees
Worldwide: In custody of other governments at behest of USA	Unknown: estimated at several thousand detainees
Worldwide: Secret transfers of detainees to third countries	Unknown: estimated at 100 to 150 detainees
Foreign nationals held outside the USA and charged for trial	4
Trials of foreign nationals held in US custody outside the USA	0
Total number of detainees held outside the USA by the US during "war on terror"	70,000

Source: Amnesty International AI index: AMR 51/063'2005, 13 May 2005

The U.S. government has denied having any such obligations regarding the detainees in U.S. custody. In view of the above, Amnesty International believes the Government has operated secret detention that all those currently held inside are illegally detained including those being held in Guantanamo. There are no specific number of estimate detainees being hold by the U.S. government, as

the official does not release the name and the number, but the report came from any other Governments, Non-Government Organizations, International Organization, and Public. Although the authorities have refused to divulge the identities or nationalities of the detainees, media reports indicate that they include nationals of the United Kingdom, Australia, France, Germany, Belgium, Sweden, Algeria, Yemen, Afghanistan, Saudi Arabia, Morocco, Algeria, Bahrain, Tunisia, Jordan, Syria, Mauritania, China, Egypt, Libya, Palestine, Chad, Qatar, Kazakhstan, Kuwait, Iraq, Canada, Turkey, Ethiopia, Russia and Pakistan.

The Département of Défense published information about the Guantánamo detainees, even providing the minimal information contained in it was an unusual step for an administration that has been highly secretive about those held in the naval base. More than 200 people have been released or transferred from the base, but the U.S. Government was expressly acting, in this as well as in other matters, in pursuit of its own perceived interests, rather than in compliance with its international legal obligations.

The U.S. Government has captured a number of terrorists, like Khalid Sheikh Muhammed, Zubair, Zubaydah, Hambali (the leader of al-Qaeda's Southeast Asian affiliate to Jamaah Islamiyah), Haji Naim Kuchai Mulla (Pushtun leader of Ahmadzai tribe), Mulla Abdus Salam Zaef (Taliban ambassador to Pakistan), Fazel Mazloom (Taliban army's former chief of staff), Nurullah Nuri (former governor of northern Afghanistan) Mullah Mohammad Fazel (Taliban deputy defense minister) and Mulla Khairullah Khairkhwa (Taliban governor in Herat). During their detention in Guantánamo Bay, there have been allegations of

ill-treatment of the prisoners in transit and at Guantanamo, including reports that detainees were shackled and hooded during the 25 hour flight from Afghanistan, and that upon arrival at Guantanamo they are housed in small cells that fail to protect from the uses of mistreatment.⁷

A number of Yemeni detainees have alleged that they and others were subjected to ill-treatment in Guantanamo, where they describe the regime as abusive, punitive, slow or failing to treat medical and dental problems, and prone to violent cell extractions and religious intolerance. The detainees have allegedly repeated disrespect for the Koran, insulting them, wrapping them in the Israeli flag, throwing them on the ground, and stamping on them.

The Human Rights Watch has criticized the Bush administration in its 2003 world report, that Bush administration has ignored human rights standards in its own treatment of terrorist suspects. Majority of the released detainees have complained of mistreatment, including enduring beatings, sleep deprivation, prolonged constraint in uncomfortable positions, prolonged hooding, sexual and cultural humiliation, forced injections, and other physical and psychological mistreatment during their detention. As on December 2002, Donald Rumsfeld authorized a memorandum that permitted such unlawful interrogation techniques as stress positions, prolonged isolation, stripping, and the use of dogs at Guantanamo Bay.⁸

⁷ Amnesty International, USA. "AI calls on the USA to end legal limbo of Guantanamo prisoners". *AI Index: AMR 51/009/2002*, January 15, 2002, <http://web.amnesty.org/ai.nsf/Index/AMR510092002> (accessed November 4, 2006).

⁸ Amnesty International USA, *Annual Report*, Statement of Dr. William F. Schulz Executive Director, *Amnesty International USA*, May 25, 2005 <http://www.amnestyusa.org/annualreport/2006/statement.html> (accessed November 2, 2006)

The International Committee of the Red Cross inspected the camp in June 2004, Red Cross inspectors accused the U.S. military of using humiliating acts, solitary confinement, temperature extremes, use of forced positions against prisoners. The U.S. government refused of conducting an independent investigation into the abuses at Guantanamo detainees. It is a failure of leadership to prosecute only enlisted soldiers and a few officers while protecting those who designed a deliberate government policy of mistreatment and authorized interrogation techniques that constitute of mistreatment. The construction of such a system, whose stated purpose is the production of intelligence, cannot be considered other than an intentional system of cruel, and constitute a form of mistreatment.

Though the U.S. government ratified the United Nation Convention Against Torture in 1994 to limit the cruel, inhuman and degrading treatment provisions that had already existed in the law under the U.S. Constitution. They have held those provisions do not apply overseas. Guantanamo is under such condition, because Cuba has ultimate sovereignty over Guantanamo, the U.S. Supreme Court jurisprudence meant that a foreign national in custody in the naval base should not have access to the U.S. courts. For this reason Guantanamo has been chosen for detaining foreign detainees, where the detainees would not grant to their trial process, without providing them with the effective means to challenge their detention. There have been no hearings to determine the legal status of detainees and no judicial review, in short no legal process at all. The Bush Administration has attempted to turn the 45 square miles of its naval base at

Guantanamo Bay into territory beyond the reach of any law and outside the jurisdiction of any court.

The Bush Administration also asserts that all of its detainees at Guantanamo are enemy combatants in the war against terrorism and therefore properly detained until terrorism is vanquished. Administration officials have repeatedly characterized the detainees as the "worst of the worst", President George W. Bush has called the detainees "bad people" and Secretary of Defense Donald Rumsfeld has labeled them "hard core, well-trained terrorists."

In addition to labeling Guantanamo detainees as broadly defined "enemy combatants" in a broadly defined global "war", the U.S. administration has repeatedly labeled the detainees as "killers" and "terrorists". This label has been pinned to all detainees, including those subsequently released without any evidence made available that they had committed any wrongdoing. At the same time, the administration states that the reason that a detainee may find himself in Guantanamo Bay is not necessarily because he is guilty of any offense, but because he might commit an offence in the future or might have knowledge of or association with such unlawful activities.⁹

The Military commissions signed by President Bush on 13 November 2001, established under the Military Order on the Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism, provide for the prosecution of enemy combatants who violate the laws of war. The administration sees the military commissions as entirely creatures of the President's authority as

⁹ USA: A Deepening Stain on US Justice, *AI Index: AMR 51/130/2004*, August 2004, <http://web.amnesty.org/library/Index/ENGAMR511302004> (accessed November 4, 2006).

Commander-in-Chief and are part of the conduct of a military campaign. In essence, the proposed military commissions are a case of the law being made and administered by the executive. That Military Order is applicable only for foreign national detainees.

Bush's administration has repeatedly justified its detention and interrogation policies as legitimate under the President's powers as Commander in Chief of the Armed Forces. And President Bush signed a February 2002 memo stating that the Geneva Conventions did not apply to Taliban or al Qaeda detainees and that their humane treatment should be contingent on military necessity. This set the stage for the tragic abuses of detainees. Since their inception, the Guantanamo operations have faced intense international scrutiny. The International Red Cross periodically inspects the facilities and has unfettered direct access to detainees. In addition, more than 100 Members of Congress have visited the facility, and so have 170 representatives of the national and international media and many representatives of nongovernmental organizations.

D. Thesis Question

By examining the background problem the writer would like to question on: "What is the purpose of U.S. Government in holding foreign national detainees in Guantanamo detention camps?"

E. Theoretical Framework

To discuss this research, there should be any instruments to analyze the problems, called theory. Theory is a set of interrelated concepts in terms of logical orders formulating a certain form of statement that can elaborate specific phenomena scientifically.¹⁰ To understand and to illustrate the U.S. Government interest behind detaining foreign terrorist detainees the writer will apply some concepts that particularly become theoretical framework. Concept is a definition that needs to be observed and it explains between variable that has empirical relation. According to Mochtar Mas' oed, concept is an abstraction that represents a phenomenon.¹¹ It is a word that illustrates and symbolizes ideas.

To justify the research, the writer adopts the Foreign Policy and National Interest concept.

1. Foreign Policy

Foreign Policy is an action and commitment of the State to their external environment, a strategy to achieve national interest outside of their territory. To achieve its goal, decision making appears as the result of Foreign Policy making. Decision makers of the state would consider of many factors on the formulation making of foreign policy. On the implementation, it appears as planning action toward several purposes. U.S. Foreign Policies are aimed at achieving their national interest.

Foreign Policy is defined as a result of intellectual process that links the purposes and target rationally. Foreign Policy is a result of interaction process,

¹⁰ Mochtar Mas' oed, *Ilmu Hubungan Internasional, Disiplin dan Metodologi* (Jakarta: PT. Pustaka LP3ES), p. 185

¹¹ *Ibid.*, p. 108

adaptation and political actions, such as bargaining among the members of government and national politic area.

According to Jack Plano and Roy Alton, the definition of foreign policy is:

“Foreign Policy as a strategy or planned course of action develop by the decision maker of state vis a vis other state or international entities aimed at achieving specific goals defined in term of national interest”¹²

Foreign policy is a set of political goals that seeks to outline how a particular country will interact with other countries in the world. This definition of foreign policy contains elements of strategy, decision makers, external situations, and national interest. Foreign policies generally are designed to protect a country's national interests, national security, ideological goals, and economic prosperity.

K.J. Holsti¹³ in “International Politics” defines foreign policy as ideas or actions designed by policy makers to solve problems or promote some change in the policies, attitudes, or actions of other states, in non-states actors (e.g. terrorist groups), in the international economy, or in the physical environment of the world. In a rational view of what governments do, the governments identify their purposes and then organize the means to achieve them.

According to K.J. Holsti¹⁴ the purpose that may be achieved by foreign politic is an reflection of decision makers in which they want to achieve, by giving strong influence to international world, influence and change another state action. Therefore, some statesmen or governments have spent time and resource to define the ultimate goals of their actions.

¹² Jack. C Plano and Roy Olton, *The International Relation Dictionary*, Western Michigan University, 3rd edn, (California: ABC-CLIA), p. 127

¹³ K J Holsti, *International Politics, A Framework for Analysis* (New Delhi: Prentice Hall of India, 1981), p. 107

¹⁴ *Ibid.* p. 139

K.J. Holsti¹⁵ explained some variables in national role orientation as foreign policy resources that influence in making foreign policy. Those variables are external condition, internal condition, and ideology that direct the nation foreign policy.

External Condition refers to the perception of threats that will endanger the domestic situation. This condition will influence on how particular country will interact with others countries. External condition includes any valuable change in international context that lead the nation into several involvements and attention in area of international politic. The United States focus on how to make the world secure from the danger of international terrorism, the United States is fighting a war against terrorists of global reach, they will continue to encourage their regional partners to take up coordinative effort that isolates the terrorist.

The threat that international terrorism context pose to the U.S. has brought the U.S. policy into combating terrorism and detaining the capture in a place where the detainees could may be held and not allowed to comeback on the battlefield. The U.S. will localize the threat into a place, defending the United States, the American people and their interests at home and abroad by identifying and destroying the threat before it reaches to the borders. Besides, the U.S. also helps any particular country to ensure to have military necessities, law enforcement and financial tools to end the threat of terrorism.

The internal condition can be seen on the political or economic regime, the state regime is mainly influenced by the party who leads the nation and the leader

¹⁵ Ibid. p. 363

of the states. The U.S. foreign policy was reflected by the Bush administration policy on their republican party, where decision making is limited to a few high ranking individuals to undertake high-risk policies, or to command sudden switches in objectives, role, orientations or actions to consolidate their positions. Since the trauma of September 11 Bush administration justifies the launching of global war on terror and detaining the suspect to U.S. custody in secrecy, by manipulating the mistreatment on secret detention in the name of national security can more easily to widespread support from public.

The Bush administration unilaterally decides to set a tool where it can detain people overseas without the reach of any court, Guantanamo bay was chosen to create his own rules on the treatment of detainees. As World War II began with the attack on Pearl Harbor, a country in fear after being attacked decided one way to protect America was by gathering together Japanese Americans and literally imprisoning them, putting them in internment camps for fear they would be traitors and turn on the United States. Those happened to Guantanamo detainees, where they may be detained for the duration until no threat poses to U.S. and its allies.

The concept of freedom has played an important role in the Bush administration global war on terror as a principal of ideology. Freedom is constantly involved by the Bush and other officials to explain and to justify a variety of practices and goals. Sometimes it is invoked as a right to act unilaterally and to utilize military forces in the pursuit of policy interest.

Although foreign policy places its focus on decision makers and decision making, the government official cannot ignore the features of international system. Characteristic of the international system may constrain what policy maker must do and provide opportunities to advance their state purposes. Nation states can attempt to reflexively shape their system in such a way that their nation states are more secure.¹⁶

In the year since the terrorist attacks of September 11, 2001, the United States, along with its partners, has waged a relentless war against the terrorists using all elements of national power and influence. They have made substantial progress in degrading the al-Qaida network, killing or capturing key lieutenants. This was presage by a statement made by vice president Cheney on 16 September 2001: "We also have to work, though, sort of the dark side, if you wish. We've got to spend time in the shadows...so it's going to be vital for us to use any means at our disposal, basically to achieve our objective."¹⁷

The U.S. administration has taken a series of executive measures restricting the rights of detainees, and it is now seeking to have such measures approved by Congress and solidified in U.S. law. The Bush has unilaterally acts based on their own administrative policy to hold terrorist captives allege to have mistreatment to punish the detainees. These were performed both before and after the Bush administration had unilaterally exempted itself from legal liabilities under international and domestic law.

¹⁶ Alexander DeConde, Richard Dean Burns & Fredrik Logevall, "Encyclopedia of American Foreign Policy", in Louise B. Ketz (ed.), 2nd edn, Vol. 1 (New York: Charles Scribner's Sons, 2002), p. 433

¹⁷ Interview with Vice President Dick Cheney (NBC: Meet the Press, Television Broadcast, September 16, 2001), <http://www.hrw.org/reports/2005/us0405/> (accessed November 2, 2006)

Some members of the U.S. military also mistreated the detainees because senior military commanders such as Lt. Gen. Ricardo Sanchez had explicitly authorized them to do so, some mistreated the enemy because they found it to be fun, but most seem to have acted in the belief that their conduct was condoned because the White House and the Department of Defense had adopted a policy of fighting terror with terror. The U.S. government responded with new legislation the Military Commissions Act 2006 further restricting judicial review of detentions and providing for the trial by military commission of foreign nationals held by the U.S. anywhere in the world as "enemy combatants".

Bush attempts to exempt the Guantanamo detainees right from the Geneva Conventions and his Administration's invention of the category of "enemy combatants" as a way of legitimating indefinite confinement and mistreatment. The only problem is that the U.S. government never actually ratified any humanitarian law without inserting loopholes that would allow it to make a claim of exemption.

The allegation of mistreatments on Guantanamo detainees has produced growing criticism for the public, as media relatively give much attention to what happened to the detainees, they face many restrictions. Moral and legal concern seems to be reserved for the less common, more secretive practice of mistreatment in which officials of the executive branch are protected because the abuse takes place outside the U.S., avoiding monitoring by the Red Cross.

On several occasions international response has raised its concern that international law and standard have been violated, including the context of

hundred foreign arrested and detained in Guantanamo. The Bush administration policy will continue to the operation of the Guantanamo detain facilities, regardless the human rights organization, others governments and media pursuit to end the detention. The U.S. administration has denied access to independent human rights monitors, including Amnesty International. The U.S. policy will treat all detainees humanly and eradicating mistreatment, meanwhile they have long sought to shield their abuses from the eyes of the world by staging elaborate deceptions and denying access to international human rights monitors. Yet the daily routine of U.S. criminal action was too widespread to be covered up.

2. National Interest

National interest as the basic goals and determines factor that guides the decision maker in making foreign policy. Once this minimum and vital interest of state is secured, other interests may be addressed by foreign policy. Thus, the national interest included security for a nation's institution, population, and even culture values by whatever measures improve its absolute and relative power position vis a vis other state in military, political, economic or other realm.¹⁸

National Interest according to Jack. C. Plano and Roy Olton is assumed as:

“National Interest is the fundamental and ultimate determinant that guides the decision makers of state in making foreign policy. The national interest of a state is typically a highly generalized conception of those elements that constitute the state most vital needs. This includes self preservation, independence territorial integrity, military security, and economic well being”.¹⁹

¹⁸ Nolan. J. Cathal, *The Greenwood Encyclopedia of International Relation*, Vol. I (London: Greenwood Publishing, 2002), p. 1123

¹⁹ Jack C. Plano and Roy Olton, *The International Relations Dictionary* (New York: Holt, Rinehart and Winston Inc, 1969), p. 128

National Interest is generally used in daily discourse of world affairs or concerning a given relation's foreign policy. However, there is a possibility and tendency of interest put forward by a government, or by an interest group competing for policy attention, as an element of national interest. State trying to pursuit self-interest in international security, peace and economic well being. The national interest of states however would help create a wider environment in which the nation will be more secure.

For several past years, as the result of fear on terrorist attack, U.S. interest has been emphasized on national security in which the government promoted military action on war against terrorist. It is that phantom post of al-Qaeda form of terrorism that worries most U.S. citizens. Bush's administration warned al-Qaeda is moving forward with its plans to carry out large scale attack in the United State in effort to disrupt their democratic process.

To protect the United States and its citizens, and for the effective conduct of military operations and prevention of terrorist attacks, it is necessary for individuals to be detained. In authorizing the way to detain terrorist suspects, Bush was sign Military Commission Act 2006 bill into law on October 17, 2006, in which this bill gave the Bush authorization to combat terrorist action, bring them to justice and try to some terrorist suspect using their own military tribunal.

F. Hypothesis

Based on the theoretical explanation and the background the research make hypothesis on:

The purpose of U.S. Government in holding foreign national detainees in Guantanamo is: To maintain the legitimacy of Bush's policy on terrorism.

G. Range of research

To prevent the subject from being expanded, the writer will limit the time range of the research from 2001 to 2006. During these years the U.S. government has detained hundreds of foreign terrorists suspects in Guantanamo detention camp without legal process at all.

H. Method of Research

The writer obtained the data from an extensive review of relevant published materials that are significantly related to the topic such as: articles, papers, websites, journals, NGO and Government report. They significantly help in clustering, giving pattern, making generalization and conclusion.

I. System of Writing

Chapter I : This Introduction chapter outlines the background of the research, what is exactly problem to answer, purposes and significations of research, analyzing theories and the method to implement.

- Chapter II** : This chapter outlines the general of U.S. Foreign Policy purposes and U.S. Foreign Policy in dealing with terrorism.
- Chapter III** : This chapter outlines the description on Guantanamo Bay historically, the operation of Guantanamo, and the actions of the U.S. Government to the detainees in Guantanamo.
- Chapter IV.** : This chapter outlines the purpose of the U.S. Government in detaining foreign national detainees, and explains the motive behind detaining them in Guantanamo. Some statements, speeches or opinions from public attention about the condition at the camp are presented in this chapter.
- Chapter V** : The summary outlines in the last chapter as the conclusion.

BIBLIOGRAPHY

ATTACHMENTS