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The Intensity of Anti-American Sentiment in the World after the Events at Abu Ghraib and Guantanamo

After the terrorist attacks of September 11, 2001, the President of the United States of America declared a war on terror¹. *Those who make war against the United States have chosen their own destruction. Victory against terrorism will not take place in a single battle, but in a series of decisive actions against terrorist organizations and those who harbor and support them*² – said George W. Bush.

With the start of the war on terror, there were gradual changes in U.S. legislation: in October 2001, President Bush signed the Patriot Act, which greatly expanded the powers of the executive, the secret services and the police. The President could now authorize the establishment of a wiretap on anyone suspected of terrorism. Previously, it had been obligatory to gain court approval³. A court order was no longer required to search the apartments and houses belonging to people suspected of terrorist activities, to monitor their online accounts, to inspect their medical and financial records and even their library cards⁴.

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- 1 The U.S. quickly responded to the attacks. Operation “Enduring Freedom” in Afghanistan began on October 7, 2001, which was supported by 55 countries, in: Stephen Tanner, *Wojny Bushów. Ojciec i syn jako zwierzchnicy sił zbrojnych* (Wrocław 2007), 183-194; Justyna Zajac, „Koncepcja bezpieczeństwa USA”, in: *Bezpieczeństwo międzynarodowe po zimnej wojnie*, ed. Ryszard Zięba (Warszawa, 2008), 50.
 - 2 Radio Address of the President to the Nation, Washington D.C., September 15, 2001, <http://georgewbush-whitehouse.archives.gov/news/releases/2001/09/20010915.html> (August 23, 2012).
 - 3 Christopher P. Banks, “Protecting (or Destroying) Freedom through Law: The USA Patriot Act’s Constitutional Implications”, in: *American National Security and Civil Liberties in An Era of Terrorism*, eds. David B. Cohen, John W. Wells (New York 2004), 29-57.
 - 4 Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, October 26, 2001 (U.S. H.R. 3162, Public Law 107-56), <http://www.gpo.gov/fdsys/pkg/PLAW-107publ56/pdf/PLAW-107publ56.pdf> (August 23, 2012).

On November 13, 2001, President Bush signed a *Military Order: Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism*, which allowed for the indefinite detention of non-citizens suspected of terrorism in different locations around the world to be appointed by the Secretary of Defense. Importantly, the regulation took away the right to stop the process before an independent court, because they were subject to the jurisdiction of military commissions⁵. It should be noted that many of the detainees were not even facing charges.

President Bush's decree of November 2001 was contrary to international law, specifically the Third Geneva Convention, which prohibits the use of torture, degrading and humiliating treatment of detainees, and guarantees the right to a fair trial⁶. The Bush administration found a way to solve this problem. By changing the interpretation of the status of *prisoner of war*, Bush convinced the public that a person being detained for suspected terrorist activities does not have the status of *prisoner of war*, and thus is not included in the provisions of the third Geneva Convention. On February 7, 2002, President Bush issued a memorandum on the humane treatment of detained members of Al-Qaeda and the Taliban, in which he stated that „the war on terror has introduced a new model of conflict, which requires new thinking in terms of the laws of war”⁷. According to Bush, the Geneva Conventions apply only to states (as sides agreeing to a Treaty) and assume the existence of „regular” armed forces fighting on behalf of the states. Thus, persons suspected of terrorism, who commit misdeeds against innocent civilians, do not respect international law, and are not subject to the Geneva Conventions. These people were thus given the status of “enemy combatants”⁸.

5 President Issues Military Order: “Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism”, Washington D.C., November 13, 2001; Louis Fisher, “Detention and Military Trial of Suspected Terrorists: Stretching Presidential Power”, *Journal of National Security Law & Policy* (2006, no. 2:1), 2.

6 Convention (III) relative to the Treatment of Prisoners of War, Geneva, August 12, 1949. (Dz. U. z 1956 r., nr 38, poz. 175).

7 George W. Bush, Humane Treatment of Taliban and al Qaeda Detainees, Memorandum for Vice President, The Secretary Of State, The Secretary Of Defense, The Attorney General, Chief Of Staff To The President, Director Of Central Intelligence, Assistant To The President For National Security Affairs, Chairman Of The Joint Chiefs Of Staff, Washington D.C., February 7, 2002, http://www.pegc.us/archive/White_House/bush_memo_20020207_ed.pdf (August 23, 2012).

8 Kate Martin, Joe Onek, *Enemy Combatants, The Constitution and the Administration's War on Terror*, American Constitution Society For Law and Policy, www.acslaw.org/pdf/enemycombatants.pdf (August 23, 2012).

The decision of President George W. Bush on 19 March 2003⁹ to go to war with Iraq¹⁰ did not meet with the approval of the international community. On March 18, 2003, the Pew Research Center for the People and the Press conducted a poll in eight countries: the United Kingdom, France, Germany, Italy, Spain, Poland, Russia and Turkey. The survey was about the favorable view of the U.S. in Europe, and its conclusion was that Poland had the highest favorable opinion of the United States, at 50% of the population. The faithful U.S. ally in the war on terror, The United Kingdom, was in second place, with 48% of the population showing support for the superpower. Subsequently, Italy (34%), France (31%), Russia (28%), Germany (25%). The least sympathetic to America were respondents from Spain (14%) and Turkey (12%)¹¹. In its report, the Pew Research Center for the People and the Press presented public opinion polls from 1999 to 2003, which showed that in some countries, the positive reception of American decline by almost half in that time period.

Even though the U.S. consistently prepared public opinion for the invasion of Iraq¹², President Bush's decision sparked anti-war protests around the world. Hundreds of thousands of people took to the streets in London, Barcelona, Rome, Tokyo, Baghdad, Damascus, and Sydney, opposing the war as a tool to solve the problem of the dictatorship of Saddam Hussein. Protests occurred in various forms, from peaceful demonstrators with banners and posters, to pleas for boycotts of U.S. goods, the burning of the American flag, the throwing of tomatoes, bottles and stones at U.S. embassies and consulates, and clashes with the police¹³. On the anti-war banners appeared anti-American slogans such as: "Down, down, USA", "No blood for oil", "Drop Bush, Not Bombs", "Bush the terrorist", "War on Iraq means war on basic

9 President Bush Addresses the Nation, Washington D.C., March 19, 2003, <http://georgewbush-whitehouse.archives.gov/news/releases/2003/03/20030319-17.html> (August 24, 2012).

10 For more, see Bob Woodward, *Plan ataku* (Warszawa, 2004).

11 Pew Research Center for the People and the Press: <http://people-press.org/http://peoplepress.org/files/legacy-pdf/175.pdf> (August 24, 2012).

12 Halina Parafianowicz, „Ameryka po 11 września 2001 r.: wokół dyskusji o terroryzmie oraz zagrożeniach bezpieczeństwa państwa i swobód obywatelskich”, in: *Praktyczne elementy zwalczania przestępczości zorganizowanej i terroryzmu*, eds. Lech Paprzycki, Zbigniew Rau (Warszawa 2009), 655.

13 “Anti-war protests continue” *The Guardian*, March 26, 2003, <http://www.guardian.co.uk/politics/2003/mar/26/antiwar.uk2> (August 24, 2012).

human rights”, “Yankee go home – the imperialism is a paper tiger”, “Imperialist America is Humanity’s Number One Enemy”¹⁴.

Despite the fact that over 70% of surveyed Americans were in favor of the military operation in Iraq¹⁵, anti-war rallies with tens of thousands of protesters took place in U.S. cities as well, including Washington, New York, San Francisco, Los Angeles, Philadelphia and Chicago¹⁶.

The Bush administration did not listen to the voice of the public, nor to other participants in international relations¹⁷, such as Russia, China, France or Germany, who disagreed with the U.S. invasion of Iraq. Opposition to the administration’s decision by the UN Security Council, the lack of evidence of weapons of mass destruction held by Saddam Hussein, or of links between him and the terrorist organization Al-Qaeda¹⁸, testify to the fact that the mission of liberation was actually an assault on a sovereign state, which at that time was not conducting aggressive behavior abroad.

The U.S. President’s decision was widely criticized by scholars of international relations. Bush was accused of changing the image of the superpower around the world. Jim Garrison wrote that “the vengeful and highly militarized response of President Bush showed the world America as aggressive, ruthless, cynical and dogmatic”¹⁹. Even though the terrorist attacks of September 11, 2001, caused a huge wave of sympathy and solidarity with the United States²⁰ to sweep around the world, many accused the Bush administration of wanting to invade Iraq at any price, even at the cost of fabricating evidence, manipulating intelligence reports, and blatantly lying²¹. Noam Chomsky warned that “the aggression of the United States will lead to the spread of weapons of mass destruction, terror, intimidation and retaliation”²². Other American politicians

14 Michael Powell, “Around Globe, Protest Marches; In N.Y., 200,000 Take to Streets” *The Washington Post*, March 22, 2003, p. A19; “Anti-war protests around the world”, *The Guardian*, March 15, 2003. <http://www.guardian.co.uk/politics/2003/mar/15/antiwar.uk> (August 26, 2012).

15 *The New York Times*, www.nytimes.com/packages/html/politics/20030322_poll/20030322poll-results.html (August 26, 2012).

16 Jane Gordon, “Antiwar Protests Spread Across State”, *The New York Times*, March 30, 2003, <http://www.nytimes.com/2003/03/30/nyregion/antiwar-protests-spread-across-state.html?src=pm> (August 26, 2012).

17 Amos A. Jordan, William J. Taylor, Michael J. Meese, Suzanne C. Nielsen, James Schlesinger, *American National Security* (Baltimore 2009), 279.

18 President Delivers “State of the Union”, Washington D.C., January 28, 2003, <http://georgewbush-whitehouse.archives.gov/news/releases/2003/01/20030128-19.html> (August 26, 2012).

19 Jim Garrison, *Ameryka jako imperium. Przywódca świata czy bandycka potęga?* (Warszawa 2005), 27.

20 For more, see Ewelina Waško-Owsiejczuk, „Wydarzenia 11 września 2001 r. w świetle prasy polskiej”, *Białostockie Teki Historyczne*, v. VII, 2009, 139-151.

21 Benjamin R. Barber, *Imperium strachu. Wojna, terroryzm i demokracja* (Warszawa 2005), 128.

22 Noam Chomsky, *Interwencje* (Katowice 2008), 15.

were also critical of President Bush's decision. Al Gore wrote that a policy based on the domination of the rest of the world united the enemies of the United States. "The administration of G.W. Bush cultivated hatred and condemnation of our nation in many countries around the world"²³.

With the start of military operations in Iraq, an immense campaign was carried out to convince the international community about the validity of the intervention. President Bush himself assured the public that the mission to liberate Iraq was proceeding smoothly, ensuring that humanitarian aid was being provided by U.S. military civilians: "Our troops are providing Iraqis with food and medicine, and most importantly, are bringing them a free country. Our victory will mean the end of the tyrant who ruled with fear and torture"²⁴.

Less optimistic about the war in Iraq were the Iraqis themselves, where nearly 50% believed that the coalition's invasion of their country brought more losses than profits²⁵, and 57% of respondents were for the immediate departure of coalition troops from Iraq²⁶. When in May 2004, information circulated around the world about the use of torture by Americans against Iraqi prisoners at Abu Ghraib, the public was outraged. Twenty kilometers from Baghdad, Abu Ghraib prison was taken over by American troops with the overthrow of Saddam Hussein in 2003. During the dictatorship of Saddam Hussein many of his opponents were sent to Abu Ghraib, and were tortured before being executed. After the liberation of Iraq, common criminals, people suspected of operations against the coalition, and rebel leaders were detained there by American troops²⁷.

The reprehensible practices of U.S. soldiers against Iraqi prisoners were exposed by the American journalist Seymour Hersh, who, in the magazine "New Yorker" in May 2004, published an article that included photos of prisoners being tortured by U.S. soldiers at Abu Ghraib. The article was based on information found within a US Army report on the U.S. Army prison system, prepared by General Antonio Taguba in 2004. The report claims that

23 Al Gore, *Zamach na rozum* (Katowice 2008), 157.

24 President Updates America on Operations Liberty Shield and Iraqi Freedom, Washington D.C., March 31, 2003, <http://georgewbush-whitehouse.archives.gov/news/releases/2003/03/20030331-1.html> (August 27, 2012).

25 USA TODAY/CNN/Gallup Poll: http://usatoday30.usatoday.com/news/graphics/iraq_poll/flash.htm (August 27, 2012).

26 Carl Conetta, *What do Iraqis Want? Iraqi attitudes on occupation, US withdrawal; Iraqi governments and quality of life* (Cambridge 2005), 1.

27 Seymour M. Hersh, "Torture at Abu Ghraib", *The New Yorker*, May 10, 2004, www.newyorker.com/archive/2004/05/10/040510fa_fact (August 27, 2012).

during the period from October to December 2003, numerous cases of sadistic, blatant and arbitrary criminal abuse of detainees took place at the Abu Ghraib prison²⁸. Allegations of abuse have been confirmed by the testimony of witnesses and photographic documentation. General Taguba listed dozens of cases of abuse to prisoners at Abu Ghraib by American soldiers, including hitting, kicking, jumping on bare feet, forcing naked prisoners into sexual positions, forcing men to wear women's underwear, piling naked men up and then jumping over them, torturing prisoners with electricity, writing on prisoners' bodies abusive insults such as 'rapist', keeping prisoners on a leash, sexual abuse of women detainees by U.S. guards, threatening with dogs, threatening with weapons, dousing naked prisoners with cold water, and taking photographs of dead prisoners²⁹.

In the Arab world, the human body is taboo. One of the basic principles of Sharia is the covering up of the body by both men and women in the presence of other people in order to protect the dignity of Muslims. Women have an especially restrictive dress code, and in public places should cover the entire body except for the face and hands³⁰. In some Muslim societies (eg in Afghanistan), women are required to wear the burqa, which covers the entire head except for a small area around the eyes.

For many Muslims, revealing the naked body is a sin. The torturing of naked Iraqi prisoners by American soldiers was also a type of psychological abuse. For Muslims, this was an extremely humiliating and dehumanizing experience. Americans had never been treated as welcome visitors to the Arab world, especially after the invasion of Iraq, but the events at Abu Ghraib aroused public indignation and triggered an enormous amount of anti-Americanism and hatred of the United States. Various Arab media wrote: "The people of Iraq, who endured injustice and offered up millions of martyrs and prisoners to see the dawn of justice across Iraq's horizon, will not allow the mill of death and discrimination to return under whatever justification"³¹. The U.S. was accused of hypocrisy in its executed mission to "liberate Iraq" from the dictatorial rule of Saddam Hussein. "All the slogans and objectives

28 In 1994 the United States ratified the UN Convention against Torture, Cruel, Inhuman or Degrading Treatment or Punishment. [in:] Jennifer K. Elsea, CRS Report for Congress: U.S. Treatment of Prisoners in Iraq: Selected Legal Issues, May 24, 2004, 10, <http://www.fas.org/irp/crs/RL32395.pdf> (August 27, 2012).

29 The "Taguba Report" On Treatment Of Abu Ghraib Prisoners In Iraq, <http://news.findlaw.com/wsj/docs/iraq/tagubarpt.html> (August 27, 2012).

30 Taqiuddin An-Nabahani, *The System of Islam* (London 2002), 145.

31 Arab media anger at prison scandal, www.combatfilms.com/mediaoperations/Arab.pdf (August 28, 2012).

fabricated by the US administration regarding the so-called “operation to liberate Iraq” have evaporated. The time has come for the world to know that what the U.S. is doing in Iraq is total occupation, mockery and slavery”³².

After the events at Abu Ghraib, the friendly attitude of the international community towards Americans began to decline. According to the Pew Research Center, more than 60% of the population of France, Germany and Turkey in May 2004 had a negative attitude towards the U.S.³³

On 14-23 May 2004, the Independent Institute for Administration and Civil Society Studies for the Coalition Provisional Authority, conducted a survey of public opinion in Iraq³⁴, which showed that 71% of Iraqis were surprised by the events at Abu Ghraib, 48% of Iraqis felt that the events at Abu Ghraib humiliated Iraq, 17% found them to be unethical crimes against humanity, 14% of respondents had not expected such practices to be conducted by Americans who had declared their commitment to human rights³⁵, justice and freedom³⁶. Public opinion began to view the superpower as a rogue force. People in the Arab world had the impression that the United States was no better than the regime of Saddam Hussein.

Disclosure of information about the torture of Iraqis by U.S. troops put a shadow on the entire American mission to spread democracy, freedom and human rights in the world. And although President Bush asserted that such heinous activities were contrary to the American system of values, and that the guilty would be punished, 61% of Iraqis surveyed did not believe in the promises made by the President of the United States³⁷. G.W. Bush’s speech from May 5, 2004, which was broadcast on the Arabic Al-Arabiya television, sparked a new wave of criticism towards Americans:

In our country, when there’s an allegation of abuse (...) there will be a full investigation and justice will be delivered. We have a presumption of innocent until you are guilty in our system, but the system will be transparent, it will be open and people will see the results. (...) This is a serious matter. It is a matter that reflects badly on

32 Ibid.

33 Pew Research Center: Opinion of the United States, www.pewglobal.org/database/?indicator=1&survey=5&response=Unfavorable&mode=chart (August 28, 2012).

34 A poll conducted in the following cities: Baghdad, Basrah, Mosul, Hillah, Diwaniyah, Baqubah.

35 Shadi Mokhtari, *After Abu Ghraib: Exploring Human Rights in America and the Middle East* (Cambridge 2009).

36 Independent Institute for Administration and Civil Society Studies for the Coalition Provisional Authority: Public Opinion in Iraq: First Poll Following Abu Ghraib Revelations 14-23 May 2004 available at: http://psychoanalystsopposewar.org/resources_files/PublicOpinionInIraq_FirstPollAfterAbuGhraib-CPAPol_14-23May.pdf (August 28, 2012).

37 Ibid.

my country. We will find the truth, we will fully investigate. The world will see the investigation and justice will be served³⁸.

The public accused Americans of hypocrisy and double standards. The U.S. President referred to the principle of the presumption of innocence until proven guilty in American law. The same rules did not apply to prisoners held by Americans in Abu Ghraib³⁹. Interestingly, based on what President Bush said, he had only learnt about the reprehensible practices of U.S. troops in Iraq through the news. This would mean that the Pentagon carefully concealed this information from the president of the United States. Puzzling was G.W. Bush's reaction to the proposal for the resignation of Secretary of Defense – Donald Rumsfeld⁴⁰. During an interview on 5 May 2004 for ALhurra Television, a reporter asked the President whether he would hold the head of the Department of Defense responsible for what had happened, to which Bush responded that he had full confidence in Rumsfeld⁴¹. Even six years later, Bush was convinced of the validity of that decision. In his book, *Decision Points*, G.W. Bush described the whole event, reassuring readers that he and America both needed Rumsfeld at the time⁴².

President Bush's decision to retain Rumsfeld as head of the Department of Defense was quite surprising considering the situation. The public was appalled by the events at Abu Ghraib, and were seeking justice, wanting to punish the perpetrators and those consenting to such shameful practices. Rumsfeld's resignation might have eased criticism of the United States. The question is whether, if indeed George W. Bush was unaware of the torture used by U.S. soldiers against detainees at Abu Ghraib⁴³, the head of the department of defense should be held responsible. The author of the report by General Taguba was of the opinion that the application of these and other methods of interrogation were common knowledge among CIA agents, mili-

38 President Bush Meets with Al Arabiya Television on Wednesday, <http://georgewbush-whitehouse.archives.gov/news/releases/2004/05/20040505-2.html> (August 29, 2012).

39 *The Guardian*, www.guardian.co.uk/world/2005/sep/28/iraq.usa (August 29, 2012).

40 Dale R. Herspring, "Rumsfeld as Secretary of Defense", in: *The George W. Bush Defense Program. Policy, Strategy & War*, ed. Stephen J. Cimbala (Dulles 2010), 94-98.

41 President Bush Meets with Alhurra Television, <http://georgewbushwhitehouse.archives.gov/news/releases/2004/05/20040505-5.html> (August 29, 2012).

42 George W. Bush, *Decision Points* (New York 2010), 89.

43 David Osborne, "Bush and Rumsfeld knew about Abu Ghraib" *The Independent*, June 19, 2007, www.independent.co.uk/news/world/americas/bush-and-rumsfeld-knew-about-abu-ghraib-453690.html (August 29, 2012).

tary intelligence, as well as senior government officials⁴⁴. According to Zbigniew Brzezinski, Rumsfeld not only permitted this type of activity, he “even contributed to creating an atmosphere favorable to it”⁴⁵.

Abu Ghraib prison was not the only place where American misdeeds were perpetrated. Following the declaration of the war on terror, a place where detained persons suspected of terrorism were held was the American military base at Guantanamo Bay in Cuba⁴⁶. The first transfers of “enemy combatants” to the base / prison took place in 2002, after the U.S. intervention in Afghanistan⁴⁷. Many prisoners were held in Guantanamo without charge, and often, the mere suspicion that one was planning a terrorist attack (without any real evidence) was enough to be held prisoner for a couple of years⁴⁸. Since 2002, a total of 779 people have been detained in the war on terrorism⁴⁹. The prisoners came from different countries, many came from Afghanistan – 220, Saudi Arabia – 134, Yemen – 116, Pakistan – 72, Algeria – 26 and China – 22⁵⁰.

Several techniques were used to break detainees down, from isolation, to deprivation of clothes, baiting dogs, mockery, forced placement into uncomfortable positions for many hours; attaching limbs to electrical wires and falsely threatening detainees with electrocution if they were to fall off the box they were standing on; being held in a room with extremely low temperatures⁵¹. Even though in the memorandum of 16 April 2003 on techniques for breaking the resistance of prisoners in the war on terror, Donald Rumsfeld

44 Seymour M. Hersh, “The General’s Report. How Antonio Taguba, who investigated the Abu Ghraib scandal, became one of its casualties”, *The New Yorker*, June 25, 2007, www.newyorker.com/reporting/2007/06/25/070625fa_fact_hersh?printable=true (August 29, 2012).

45 Zbigniew Brzeziński, *Druga szansa* (Warszawa 2008), 125.

46 “Guantánamo Bay Naval Base (Cuba)”, *The New York Times*, <http://topics.nytimes.com/top/news/national/usstatesterritoriesandpossessions/guantanamobaynavalbasecuba/index.html> (August 30, 2012).

47 Steve Vogel, “Afghan Prisoners Going to Gray Area”, *The Washington Post*, January 9, 2002, A01.

48 Lakhdar Boumediene, “My Guantánamo Nightmare”, *The New York Times*, January 8, 2012, SR9.

49 Final Report: Guantanamo Review Task Force, Department of Justice, Department of Defense, Department of State, Department of Homeland Security, Office of the Director of National Intelligence, Joint Chiefs of Staff, January 22, 2012, 1-2.

50 *The New York Times*, <http://projects.nytimes.com/guantanamo/detainees/by-country> (August 30, 2012).

51 Sean Rayment, “Guantánamo Bay: Inside the empty, rotting ,torture’ blocks of Camp X-Ray”, *The Telegraph*, 10 Jun 2012, www.telegraph.co.uk/news/worldnews/northamerica/USA/9321836/Guantanamo-Bay-Inside-the-empty-rotting-torture-blocks-of-Camp-X-Ray.html (August 30, 2012).

asserted that detainees be treated humanely, it also approved the use of these techniques to break down their resistance⁵².

Reports of torture used against prisoners in Guantanamo by U.S. soldiers have been confirmed in an FBI report of 2004, declassified in 2007. During the investigation, the FBI interviewed 500 people who served in the military base of Guantanamo. There were twenty six reported cases of abuse by U.S. law enforcement and military personnel. Base employees witnessed the abuse of prisoners and aggressive interrogation techniques used against detainees. These “enemy combatants” had their arms and legs tied together, were left chained to the floor in such a position for at least 18 hours, were subjected to very low or very high temperatures, were stripped naked, had strobe lights pointed at them, had to listen to loud and aggressive music as a method of sleep disturbance, were subjected to waterboarding, were led around on a leash⁵³.

Reading the accounts of people who spent many years in the Guantanamo camp, it seems that despite the inflicted harm they experienced from U.S. soldiers, they still believed in the American system of justice, which guaranteed them a fair trial⁵⁴. As it turned out, they didn't have the chance to prove their innocence in court. In June 2006, the U.S. Supreme Court issued a judgment in which it made clear that President Bush's decree established in November 2001 were contrary to U.S. and international law. The Supreme Court also ruled that the prisoners of Guantanamo base were applicable to provisions of the Geneva Conventions. The media presented the judgment as a huge blow to G.W. Bush's policies⁵⁵. Instead, Bush's administration decided to circumvent the Supreme Court's judgment, and as early as October 2006, Bush signed the *Military Commission Act*⁵⁶. From that moment on, U.S. courts have not had the right to investigate claims of legality in criminal detention of detainees as “enemy combatants”⁵⁷.

52 Donald Rumsfeld, Counter-Resistance Techniques in the War on Terrorism, Memorandum for the Commander, USSouthern Command,, April 16, 2003, www.defense.gov/news/jun2004/d20040622doc9.pdf (August 30, 2012).

53 The FBI report is available at: <http://vault.fbi.gov/Guantanamo%20/Guantanamo%20Part%201%20of%201/view> (August 30, 2012).

54 Boumediene, op.cit., SR9; Faces Of Guantánamo Guantánamo's Many Wrongly Imprisoned, Center For Constitutional Rights (New York, 2007).

55 Charles Lane, “High Court Rejects Detainee Tribunals”, *Washington Post*, June 30, 2006, http://www.washingtonpost.com/wp-dyn/content/article/2006/06/29/AR2006062900928_2.html (August 31, 2012).

56 Stephen I. Vladeck, “Terrorism and International Criminal Law After the Military Commissions Acts”, *Santa Clara Journal of International Law*, v. 8, 2010, 109-110.

57 Military Commission Act of 2006, [www.http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_cong_public_laws&docid=f:publ366.109.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_cong_public_laws&docid=f:publ366.109.pdf) (August 31, 2012).

Ironically, the practices permitted by the Bush administration during the war on terror have been criticized by the U.S. government in relation to other countries. In 2005, the State Department issued an annual report on human rights⁵⁸, which criticized countries like China, Syria and Egypt for the mistreatment of prisoners and detainees by denying the right to a fair public trial. Practices such as sleep deprivation, pitting dogs, and indecent exposure is defined as torture. Yet these same practices were used by the Americans in both the Abu Ghraib prison as well as the Guantanamo naval base.

On February 27, 2006, the United Nations Commission on Human Rights issued a report on the situation of prisoners in Guantanamo. The document states that detainees have the right to challenge in court the legality of their detention in prison and should demand the immediate release from custody, if there is no legal basis for their detention. It accuses the U.S. government of serving as judge, prosecutor and defense counsel at the same time, which violates the right of detainees to a fair trial before an independent court. The Commission also criticized the U.S. for redefining torture in the course of the war on terror, so as to allow Americans the use of certain interrogation techniques prohibited by international law. The study also confirmed many cases of abuse and ill-treatment of prisoners by U.S. guards at Guantanamo. The Commission recommended that the U.S. government either place all detainees before an independent court, or release them from custody immediately. In addition, the U.S. government should close the military base at Guantanamo Bay as quickly as possible. Prison guards were to put a stop to torturing, inhuman and degrading treatment of detainees. The Commission also recommended that the Department of Defense cancel permission to use interrogation techniques that, in the light of international law, were considered torture⁵⁹.

It is worth noting that the report was the result of the Commission's 18-month investigation, during which freed prisoners and lawyers were interviewed in order to gather information about people held in prison without the possibility to seek justice in court. Members of the Commission had not been able to talk to the 500 people who at that time resided in Guantanamo. During the investigation, the U.N. contacted the U.S. government for permission to visit the military base in Guantanamo Bay. During the visit, they planned

58 Raport 2005 County Reports on Human Rights Practices, www.state.gov/g/drl/rls/hrrpt/2005/index.htm (August 31, 2012).

59 United Nations Commission on Human Rights, Situation of detainees at Guantánamo Bay, February 27, 2006, <http://daccess-ddsny.un.org/doc/UNDOC/GEN/Go6/112/76/PDF/Go611276.pdf?OpenElement> (August 31, 2012).

to gather information directly from detainees. The U.S. government offered the members of the Commission a one-day visit without the possibility of private conversations or meetings with prisoners. Faced with such a situation, the visit by the UN to Guantanamo was canceled. Thus, the Commission's report was based mainly on U.S. government responses to the questionnaire on the detainees, on interviews with former prisoners and lawyers who took up their defense, on reports prepared by non-governmental organizations, on declassified U.S. government documents and media reports⁶⁰. The Commission described the whole incident in detail in the report, so it would seem that the U.S. government had to try to explain to the public why the UN representatives were not allowed to see the prisoners in Guantanamo. Meanwhile, representatives of the White House once again reassured the public, in the commentary to the report, that the detainees at the base in Cuba are being treated in a humane manner⁶¹.

Even after the end of his second term, George W. Bush defended the decision to detain "enemy combatants" at Guantanamo, indicating that it was a necessary measure at the time. And though Bush asserted that by the end of his second term he would close the U.S. base in Cuba, he also believed that the release of some terrorists from Guantanamo could lead to the death of Americans, and then the "blood would be on my hands"⁶². A survey conducted by Gallup poll at the end of Bush's second term as president, showed that more than 60% of Americans surveyed disapproved of his work as president of the United States⁶³. Bush enjoyed the greatest support, nearly 90%, in September 2001 – after the terrorist attacks in the U.S. Afterwards, year by year, support for the President gradually decreased. Despite the disclosure of information about the events at Abu Ghraib, a growing number of American soldiers killed in Iraq, increasingly public criticism for expansive and unilateral U.S. policy, George W. Bush was elected to a second term. As it turned out, Americans did not want to change the "commander" in the war against terrorism⁶⁴. At the end of his second term, support for Bush was 34%. Not only Americans were disappointed with the Bush administration's policies. In

60 Ibid.

61 Suzanne Goldenberg, "UN report calls for closure of Guantánamo", *The Guardian*, February 14, 2006, www.guardian.co.uk/world/2006/feb/14/guantanamo.topstories3 (September 3, 2012).

62 Bush, *Decision Points*, 180.

63 <http://www.gallup.com/poll/113641/Despite-Recent-Lows-Bush-Approval-Average-Midrange.aspx>, <http://www.gallup.com/poll/113770/bush-presidency-closes-34-approval-61-disapproval.aspx> (September 3, 2012).

64 For more, see Ewelina Waśko-Owsiejczuk, „Wpływ „wojny z terroryzmem” na reelekcję George’a W. Busha”, *Studia Podlaskie*, v. XIX, 2011, 231-250.

the Pew Global Attitudes Project in 2008, public opinion polls showed that the majority of respondents (19 of 24 countries) did not have confidence in Bush's policies, the greatest disagreement (over 80%) expressed by such countries as Great Britain, France, Germany, Spain, Turkey, Egypt, Jordan, Brazil and Argentina⁶⁵.

The intensity of anti-Americanism⁶⁶ in the world was caused by the fear of a military threat from a superpower. Since no major obstacle to the U.S. invasion of Iraq was organized, in spite of its violating international law and ignoring public opinion, it might well be planning further military intervention in other countries. Anxiety over a possible war with the United States was expressed by several countries in 2007, including Turkey (76%), Indonesia (84%), Pakistan (72%), and Egypt (64%)⁶⁷. In the opinion of Jadwiga Kiwerska, the American manifestation of power and arrogance sparked fears of U.S. hegemony. "It was a feared vision of a world in which America will authoritatively decide who is a threat and what action to take"⁶⁸.

The policies of the Bush administration were widely criticized by prominent intellectuals. Ivo Daalder and James Lindsay pointed to Bush's dismissive approach to the different views of participants in international relations. "The president often acted as if America had laws just for itself"⁶⁹. During Bush's two terms, he had a selective approach in respect to international law, made his own interpretation of the law, as in the case of Guantanamo prisoners by giving them the status of "enemy combatants", or in the case of the illegal invasion into Iraq. As a result, he "reduced America's position in the world and discredited its global leadership"⁷⁰.

As pointed out by Erik Saar, a former U.S. Army soldier who served six months in prison Guantanamo: "We affirm that we respect the principles of justice and human rights, but I've seen a lot of things that we, the people,

65 Pew Global Attitudes Project: Global Public Opinion in the Bush Years (2001-2008), December 18, 2008, <http://www.pewglobal.org/2008/12/18/global-public-opinion-in-the-bush-years-2001-2008/> (September 4, 2012).

66 For more, see Polly J. Diven, "Dissecting Anti-Americanism: Personalities, Policies, Popular Culture and Paradigms", in: *U.S. Foreign Policy, Theory, Mechanisms, Practice*, eds., Andrzej Mania, Paweł Laidler, Łukasz Wordliczek (Kraków 2007), 13-27.

67 Pew Global Attitudes Project: Confidence in Obama Lifts U.S. Image Around the World, July 23, 2009, www.pewglobal.org/2009/07/23/chapter-1-views-of-the-u-s-and-american-foreign-policy-2/ (September 5 2012).

68 Jadwiga Kiwerska, *Oslabione supermocarstwo. Pozycja USA w świecie po ośmiu latach prezydentury George'a W. Busha* (Poznań 2008), 61.

69 Ivo H. Daalder, James M. Lindsay, *Ameryka bez ograniczeń. Rewolucja w polityce zagranicznej* (Warszawa 2005), 241.

70 Brzeziński, op.cit., 124.

humiliate and dehumanize. Rightly call us hypocrites if we refuse justice and a fair judicial process in the name of defending America”⁷¹. The failure of the Bush administration’s policies caused a huge wave of hatred in the Arab and Muslim world to be directed at America, and a growing reluctance of allies to be associated with the United States. “It is difficult to understand how the United States can in good faith judge the nationals of other countries with rules that they do not follow themselves”⁷² – said Saar.

Disclosure of the use of torture on prisoners by Americans detained in Abu Ghraib and Guantanamo has changed the image of a superpower in the world, showing the public that the rescuer can easily transform into occupier. The U.S. lost credibility in its conduct of policies promoted by George W. Bush’s mission to spread democracy, peace, justice and freedom in the world. As it turned out, as “the policeman of the world” the U.S. did not comply with international law and committed misdeeds.

71 Erik Saar, Viveca Novak, *Guantanamo. Cała prawda o amerykańskiej bazie na Kubie* (Warszawa 2006), 227.

72 Ibid., 229.

STRESZCZENIE

**Nasilenie nastrojów antyamerykańskich na świecie
po wydarzeniach w Abu Ghraib i Guantanamo**

Ujawnienie informacji o torturowaniu więźniów osadzonych w Abu Ghraib i Guantanamo przez żołnierzy amerykańskich wstrząsnęło opinią publiczną na całym świecie.

Okazało się, że „policjant świata” propagujący misję szerzenia demokracji, sprawiedliwości i wolności na świecie, sam nie przestrzegał prawa międzynarodowego i dopuszczał się karygodnych czynów. I chociaż wraz z wypowiedzeniem wojny z terroryzmem Stany Zjednoczone mogły liczyć na wsparcie i pomoc innych uczestników stosunków międzynarodowych, to unilateralna i imperialna polityka administracji prezydenta George’a W. Busha, doprowadziła do obniżenia pozycji supermocarstwa na świecie oraz nasilenia antyamerykanizmu.