EXECUTIVE ORDER

PROTECTING AMERICA THROUGH LAWFUL DETENTION OF TERRORISTS AND OTHER DESIGNATED ENEMY ELEMENTS

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Sec. 1. Findings. (a) Consistent with long-standing law of war principles and applicable law, the United States has always reserved the right to detain enemy combatants captured in connection with an armed conflict. After the terrorist attacks on September 11, 2001, the United States commenced detention operations at the U.S. Naval Station, Guantánamo Bay, for certain aliens who were part of or had supported al Qaeda, the Taliban, or associated forces, including those that had engaged in hostilities against the United States or its coalition partners.

(b) The detention operations at U.S. Naval Station Guantánamo Bay, are legal, safe, and humane, and are in the interests of justice and consistent with U.S. and international law.

(c) It is important to U.S. counter-terrorism strategy and policy that we retain the ability to detain terrorist combatants, consistent with applicable law.

(d) To date, United States efforts to prevent Guantánamo detainees from returning to terrorist activities or even combat operations against the United States once released have proven inadequate. According to the Director of National Intelligence, for instance, approximately 30 percent of detainees released from detention at Guantánamo have reengaged, or are suspected to have reengaged, in terrorist or insurgent activities. Some of them have even conducted attacks against U.S. personnel or coalition forces in Afghanistan, killing several Americans.

(e) It is in the interest of the United States to continue detention operations at Naval Station Guantánamo Bay in order to prevent detainees from returning to the battlefield in the fight against al Qaeda, the Taliban, and associated forces, including those or other terrorists that are engaged in armed hostilities with the United States and its coalition partners.

Sec. 2. Continuing State of Armed Conflict With Terrorist Groups. The United States remains engaged in an armed conflict with al Qaeda, the Taliban, and associated forces, including individuals and networks associated with the Islamic State.

Sec. 3. Military Detention of Aliens at Naval Station Guantánamo Bay.

(a) Subject to further direction from the President and consistent with the requirements of law, the Secretary of Defense shall maintain and continue to use the detention facilities at the U.S. Naval Station Guantánamo Bay, for the detention of enemy combatants captured in the armed conflict described in section 2 of this order, including such individuals captured after the effective date of this order.
(b) Executive Order 13492 of January 22, 2009, is revoked.

(c) Nothing in this order shall affect the authority of the Secretary of Defense to detain enemy combatants in other facilities available to the United States for the custody of military detainees.

(d) Nothing in this order shall prevent the Secretary of Defense from transferring any individual detained at Naval Station Guantánamo Bay to effectuate an order affecting the disposition of that individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction.

(e) Nothing in this order shall be construed to affect existing law or authorities relating to the detention of United States citizens, lawful resident aliens of the United States, or any other persons who are captured or arrested in the United States.

Sec. 4. General Provisions.

(a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) To the extent that anything in this order is inconsistent with any prior Executive Order pertaining to any detainees being held at Naval Station Guantánamo Bay, that prior Executive Order is, in relevant part, hereby rescinded.