



Seton Hall University School of Law
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TIMELINE: GLOBAL WAR ON TERROR

9/11, 2001 to January 20, 2009

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Global War on Terror Timeline:

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INTRODUCTION

The Seton Hall Center for Policy and Research created a comprehensive timeline as a research tool to study the United States' Global War on Terror; the United States Detentions in the Guantanamo Bay Naval Station, and the United States Detention Policy at home and abroad. The timeline identified and, where possible, linked sources for each key event. For obvious reasons the timeline is long. It is also detailed.

In order to make the Timeline more user-friendly it is organized periodically so that those seeking a specific period of time can go to each year and then within each year can go to select months and dates of interest. The links are most useful when the Timeline is used on-line but the information is also available in hard copy as well. The Timeline is constantly being updated.

[2001](#)

[2002](#)

[2003](#)

[2004](#)

[2005](#)

[2006](#)

[2007](#)

[2008](#)

[2009](#)

Global War on Terror and the GUANTANAMO BAY DETENTION FACILITY TIME LINE AND LINKS¹

2001

September

- September 11, 2001²
- September 14, 2001: September 18, 2001: United States Congress passes a joint resolution- the Authorization to Use Military Force (AUMF). The resolution states: “the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September, 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.”³
- September 17, 2001: President Bush signs classified order authorizing the CIA with the power to capture, kill, or interrogate Al-Qaeda leaders⁴
- September 20, 2001: President Bush delivers a speech to both houses of Congress. In his speech the President declares to the nations of the world that they are “Either with us or against us.”⁵
- September 21, 2001: John Yoo of the Justice Department Office of Legal Counsel writes a legal memo advising that the Fourth Amendment limitation on the use of “deadly force” does not apply to any reactions carried out following the September 11 attacks. “The government may be justified in taking measures which in less troubled conditions could be seen as infringements of individual liberties.”⁶
- September 25, 2001: John Yoo of the Justice Department Office of Legal Counsel writes in a memo to Deputy White House Counsel Timothy Flanigan that the President has the constitutional power to take any military actions deemed necessary in response to the terrorist attacks. “The President may deploy military force preemptively against terrorist organizations or the States that harbor or support them, whether or not they can be linked to the specific terrorist incidents of September 11, 2001.” The power is derived from the War Powers Resolution of 1973, and the September 14, 2001 Joint Resolution “Neither statute, however, can place any limits on the president’s determinations as to any terrorist threat, the amount of military force to be used in response, or the method, timing, and nature of the response. These decisions, under our Constitution, are for the President alone to make.”⁷

¹ The following websites were particularly useful in gathering links to news stories covering events within.

http://www.globalsecurity.org/military/facility/guantanamo-bay_x-ray-pics.htm

<http://www.historycommons.org/timeline>

² <http://archives.cnn.com/2001/US/09/11/chronology.attack/index.html>

³ http://www.pbs.org/newshour/bb/military/terroristattack/joint-resolution_9-14.html

⁴

<http://query.nytimes.com/gst/fullpage.html?res=9502E4DC113EF934A1575BC0A9629C8B63&scp=1&sq=Bush%2C+cia&st=nyt>

⁵ <http://georgewbush-whitehouse.archives.gov/news/releases/2001/09/20010920-8.html>

⁶

<http://query.nytimes.com/gst/fullpage.html?res=9A07EFDD163DF937A15753C1A9629C8B63&scp=1&sq=Bush%2C+Yoo&st=nyt>

⁷ <http://www.usdoj.gov/olc/warpowers925.htm>

October

- October 4, 2001: All NATO members enter into an agreement to provide “blanket over-flight clearances for the United States and other allies’ aircraft for military flights related to operations against terrorism.”⁸
- October 7, 2001: Operation Enduring Freedom commences. The operation is the first military response to the 9/11 attacks, and targets the Afghanistan countryside.⁹
- October 8, 2001: President Bush establishes the Office of Homeland Security in the Executive Office of the President. Pennsylvania Governor Tom Ridge is appointed as director.¹⁰
- October 26, 2001: The United States Patriot Act is signed into law.¹¹
- October 2001: The Central Intelligence Agency establishes a secret detention and interrogation center at the Bagram Air Base in Afghanistan. Captives are held in metal shipping containers and are subjected to stress and duress positions. The CIA also experiments with psychological interrogation tactics pushing the limits of cultural sensitivity. One tactic involves placing women in charge of Muslim detainees, and having the women bear skin.¹²
- October 2001: Two cases of anthrax, the first in twenty-five years, triggers a major investigation by the FBI. Anthrax subsequently appeared in mail received by television networks in New York and by the offices in Washington of Senate Majority Leader Tom Daschle and other members of Congress. Attorney General John Ashcroft said in a briefing on October 16, "When people send anthrax through the mail to hurt people and invoke terror, it's a terrorist act."¹³

November

- November 13, 2001: President Bush Authorizes Military Tribunals for Alleged Terrorists in an executive order. The President maintains the authority to determine which defendants are to be tried, and Defense Secretary Donald Rumsfeld will appoint the panel and establish the procedures for each tribunal. The order provides no provision for an appeal to US civilian courts, or international tribunals. The order does not specify who will serve on the tribunal panel, or how many judges will be present.^{14 15}
- November 14, 2001: United Nations Endorses the United States invasion of Afghanistan through Resolution 1378.
- November 19, 2001: President Bush signs the Aviation and Transportation Security Act, creating the Transportation Security Administration.¹⁶
- November 25, 2001: American John Walker Lindh captured as a fighter in Afghanistan is questioned by the CIA for the first time.¹⁷

December

⁸ <http://www.timesonline.co.uk/tol/news/world/europe/article2936782.ece>

⁹ <http://georgewbush-whitehouse.archives.gov/response/militaryresponse.html>

¹⁰ <http://www.iwar.org.uk/homesec/resources/war-on-terror/timeline.pdf>

¹¹ <http://motherjones.com/politics/2004/10/war-terror-timeline>

¹² <http://www.washingtonpost.com/wp-dyn/content/article/2006/06/09/AR2006060901356.html>

¹³ <http://www.army.mil/terrorism/2006-2000/index.html>

¹⁴ <http://www.globalsecurity.org/military/library/news/2001/11/mil-011113-milorder.htm>

¹⁵ <http://english.aljazeera.net/focus/2009/07/20097221092685420.html#2008>

¹⁶ <http://www.iwar.org.uk/homesec/resources/war-on-terror/timeline.pdf>

¹⁷ <http://www.msnbc.msn.com/id/3067386/>

- December 2001: Joint Task Force 160 is reactivated. Camp X-Ray is prepared as a temporary location to house detainees. Military contends that Camp X-Ray was the only facility that had the capabilities of housing detainees.¹⁸
- December 22, 2002: British citizen Richard Reid is arrested for allegedly trying to blow up a Miami-bound jet using explosives hidden in his shoe. He later pleads guilty to all charges, and declares himself a follower of Osama bin Laden.¹⁹
- December 27, 2001: Defense Secretary Donald Rumsfeld announces that Taliban and al-Qaeda suspects will be relocated to the Guantanamo Bay Naval Station. According to General Richard B. Myers, the Chairman of the Joint Chiefs of Staff, the detainees set for transfer include: 8 persons aboard the USS Peleliu, 37 individuals held at a US base outside of Kandahar, and detainees stationed at Camp Rhino.²⁰
- December 28, 2001: Patrick Philbin and John Yoo of the Justice Department Office of Legal Counsel deliver a memorandum to Pentagon General Counsel William J. Haynes advising that U.S. Courts have no jurisdiction to review the treatment of foreign prisoners held at Guantanamo Bay.^{21 22}

2002

January

- January, 2002: U.S. Southern Command is placed in charge of operations at the Guantanamo Bay detention facility. Joint Task Force- 160 is created to oversee detainee operations. Officers serving in JTF-160 include service members from Fort Hood, TX; Fort Campbell, KY; Roosevelt Roads, PR; Camp Lejeune; Norfolk, VA; Dover AFB, DE, and Charleston AFB, SC²³
- January 9, 2002: The White House [declares](#) that the Guantanamo detainees are, as "enemy combatants," not entitled to the protections accorded prisoners of war under the Geneva Conventions.²⁴
- January 11, 2002: The first detainees arrive at Camp X-Ray.^{25 26} The Red Cross makes its first of ongoing quarterly visits six days later.²⁷ Initially Camp X-Ray can hold 100 detainees but it is expanded to hold up to 220. Detainees at Camp X-Ray are held in 8-by-8 foot open air cells.²⁸

¹⁸ <http://www.jtfgtmo.southcom.mil/index/JTFGBrochurePg3.pdf>

¹⁹ <http://motherjones.com/politics/2004/10/war-terror-timeline>

²⁰

[http://www.historycommons.org/context.jsp?item=torture, rendition, and other abuses against captives in iraq, afghanistan, and elsewhere 2201#torture, rendition, and other abuses against captives in iraq, afghani stan, and elsewhere 2201](http://www.historycommons.org/context.jsp?item=torture,rendition,andotherabusesagainstcaptiveiniraq,afghanistan,andelsewhere2201#torture,rendition,andotherabusesagainstcaptiveiniraq,afghanistan,andelsewhere2201)

²¹ <http://www.newsweek.com/id/105387/output/print>

²² <http://english.aljazeera.net/focus/2009/07/20097221092685420.html#2008>

²³ http://www.globalsecurity.org/military/facility/guantanamo-bay_x-ray.htm

²⁴ <http://motherjones.com/politics/2004/10/war-terror-timeline>

²⁵ http://www.globalsecurity.org/military/facility/guantanamo-bay_x-ray.htm

²⁶ <http://english.aljazeera.net/focus/2009/07/20097221092685420.html#2008>

²⁷ <http://www.jtfgtmo.southcom.mil/index/JTFGBrochurePg3.pdf>

²⁸ <http://www.guardian.co.uk/world/2002/jan/11/afghanistan.suzannegoldenberg>

- January 11, 2002: General Richard B. Myers, Chairman of the Joint Chiefs of Staff refers to the first delivery of GTMO detainees as being “people who would gnaw through hydraulic lines at the back of a C-17 to bring it down.”²⁹
- January 18, 2002: Red Cross begins the first of quarterly visits to GITMO.³⁰
- January 19, 2002: Defense Secretary Donald Rumsfeld signs and delivers to the Joint Chiefs of Staff for the US Military, a document adopting the findings of the Justice Department Office of Legal Counsel determining that Taliban and Al-Qaeda detainees are not entitled to the prisoner of war status provided under the Geneva Conventions. The memo also advises that detainees are to be treated “humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of the Geneva Conventions.”³¹
- January 22, 2002: Pentagon officials instruct GTMO interrogators to fill out forms describing detainee’s alleged offenses.³²
- January 22, 2002: Jay Bybee of the US Justice Department issues a memo to Attorney General Alberto Gonzalez titled “Application of Treaties to Al-Qaeda and Taliban detainees.” The 37 page memo argues that detainees captured on the battlefield in Afghanistan should have extremely limited rights under international law.³³
- Armed militants kidnapped Wall Street Journal reporter Daniel Pearl in Karachi, Pakistan.³⁴
- January 25, 2002: John Walker Lindh has his first court hearing in Virginia.³⁵
- January 26, 2002: Secretary of State Colin Powell delivers a memo to the Counsel to the President and Assistant to the President for National Security Affairs offering a counter argument to the decision not to apply the Geneva Conventions to the war in Afghanistan.³⁶
- January 27, 2002: Addressing the nation on Fox News Sunday, Vice President Dick Cheney refers to detainees at GTMO: “They are very dangerous. They are devoted to killing millions of Americans, innocent Americans, if they can, and they are perfectly prepared to die in the effort. And they need to be detained, treated very cautiously, so that our people are not at risk.”³⁷

February

- February 1, 2002: Attorney General John Ashcroft addressed a letter to President Bush arguing that the Third Geneva Convention should not be applied to the Taliban on two grounds. First, Afghanistan is a failed state and cannot be considered a party to the treaty. Second, Taliban fighters acted as unlawful combatants.³⁸

²⁹

<http://query.nytimes.com/gst/fullpage.html?res=9C01E7D81239F932A15755C0A9629C8B63&sec=&spon=&pagewanted=3>

³⁰ <http://english.aljazeera.net/focus/2009/07/20097221092685420.html#2008>

³¹ <http://www.defenselink.mil/news/Jun2004/d20040622doc1.pdf>

³²

<http://query.nytimes.com/gst/fullpage.html?res=9A07EFDD163DF937A15753C1A9629C8B63&scp=3&sq=Guantanamo&st=nyt>

³³ http://news.bbc.co.uk/nol/shared/bsp/hi/pdfs/23_06_04_jan02memo.pdf

³⁴ <http://www.army.mil/terrorism/2006-2000/index.html>

³⁵ <http://www.cbsnews.com/stories/2002/01/25/attack/main325566.shtml>

³⁶ <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB127/02.01.26.pdf>

³⁷ <http://www.foxnews.com/story/0,2933,44084,00.html>

³⁸ <http://news.findlaw.com/wp/docs/torture/jash20102ltr.html>

- February 7, 2002: The White House announces that the U.S. will apply the Geneva Conventions to the war in Afghanistan, but that Taliban and al-Qaeda detainees would not be afforded prisoner-of-war status.³⁹
- February 16, 2002: Joint Task Force 170 is commissioned to coordinate US military and government agency interrogation efforts at GTMO^{40 41}
- February 19, 2002: Center for Constitutional Rights files a petition for *Habeas Corpus* on behalf of prisoners David Hicks, Shafiq Rasul, Asif Iqbal.⁴²
- February 20, 2002: Pakistani authorities received a videotape depicting Daniel Pearl's murder.⁴³
- February 21, 2002: US federal judge dismisses petition that challenged the detention of the prisoners.⁴⁴
- February 26, 2002: Assistant Attorney General Jay Byhee delivers a legal memo to Department of Defense General Counsel William Haynes stating that the military commissions formed to try enemy combatants held at GTMO are “entirely creatures of the president’s authority as commander in chief... and are part and parcel of the conduct of a military campaign.”
- February 26, 2002- March 7, 2002: Detainees hold a Hunger Strike at GTMO. The strike is a reaction to either a guard deliberately kicking a copy of the Koran, or the continued denial of detainees ability to conduct prayers.⁴⁵
- February 2002: British detainee Rhuheh Ahmed of the “Tipton Three” is coerced by British MI5 officers into giving a false confession to his involvement in terrorist activity. Ahmed is told that there are photos and bank transactions tying him to terrorists. A gun was held to his head during the interrogation.⁴⁶

March

- March 13, 2002: The Justice Department drafts a memo titled “The President’s Power as Commander in Chief to Transfer Captive Terrorists to the Control and Custody of Foreign Nations.” The memo establishes the “Rendition” program which was further elaborated on in an August 2002 memo by Alberto Gonzales (prior to his position as Attorney General). The Rendition program allowed for persons within the United States thought to have terrorist ties to be sent abroad where they would be subjected to harsh interrogation tactics prohibited for use within the US against US residents and citizens.⁴⁷
- March 20, 2002: In an interview, President Bush is asked about the tribunal process at Guantanamo Bay. He responds “We’re still in the process of getting as much information from the detainees as possible. Remember, these are—the one’s in Guantanamo Bay are killers. They don’t share the same values we share. They would like nothing more than to come after America, or our friends and allies. And so, therefore, it’s in our national interest to make sure we know enough about them before we decide what to do with them. So

³⁹ <http://www.globalpolicy.org/empire/un/2004/0524roots.htm>

⁴⁰ http://www.globalsecurity.org/military/facility/guantanamo-bay_x-ray.htm

⁴¹ <http://www.jtfgtmo.southcom.mil/index/JTFGBrochurePg3.pdf>

⁴² <http://english.aljazeera.net/focus/2009/07/20097221092685420.html#2008>

⁴³ <http://www.army.mil/terrorism/2006-2000/index.html>

⁴⁴ <http://english.aljazeera.net/focus/2009/07/20097221092685420.html#2008>

⁴⁵ <http://www.nytimes.com/2004/06/21/international/asia/21PER->

[ALL.html?ex=1217476800&en=be6b9ed3b1e59fdc&ei=5070](http://www.nytimes.com/2004/06/21/international/asia/21PER-ALL.html?ex=1217476800&en=be6b9ed3b1e59fdc&ei=5070)

⁴⁶ <http://www.guardian.co.uk/uk/2004/mar/14/terrorism.guantanamo>

⁴⁷ <http://www.washingtonpost.com/wp-dyn/articles/A51726-2005Jan5.html>

there's a process—ongoing process to get as much information as we can from the prisoners or the detainees. Some talk, some don't talk.”⁴⁸

- March 21, 2002: Defense Secretary Donald Rumsfeld signs Military Commission Order No. 1, establishing the procedures for military commission trials. The order states that a two-third majority of the panel must agree upon a sentence, and there must be a unanimous vote to proscribe the death penalty. The order does not mention an appeal process. The order also provides that detainees will be assigned a military officer as defense counsel, and detainees will not be entitled to outside counsel. The order therefore proscribes that all aspects of the commission will be operated by entities of the Executive branch.⁴⁹
- March 28, 2002: Al-Qaeda leader Abu Zubaida is captured by FBI agents and Pakistani police in Faisalabad, Pakistan.⁵⁰
- March, 2002: Central Intelligence Agency issues list of 10 Enhanced Interrogation Techniques that are authorized for use on top ranking Al-Qaeda detainees. Portions of the list first become available in 2005. The List includes: The Attention Grab, Attention Slap, Belly Slap, Long Time Standing (40 plus hours), The Cold Cell, Waterboarding⁵¹

April

- April 2002: Construction of a new 410 bed facility which consists of Camp Delta Camps 1, 2, and 3, is complete.⁵²
- April 5, 2002: Yaser Esam Hamdi is transferred from GITMO after it is discovered that he was born in Louisiana.⁵³
- Mid April, 2002: al-Qaeda leader Abu Zubaida identifies Jose Padilla during an interrogation with the FBI.⁵⁴
- April 28 & 29, 2002: Camp X-Ray is closed and Camp Delta is opened. On April 28th 300 detainees were transferred from Camp X-Ray to Camp Delta. The remaining prisoners were transferred to Camp Delta on April 29th.^{55 56}
- Mid April-May 2002: CIA interrogation team lead by psychologist James Elmer Mitchell takes over the interrogation of Abu Zubaida from the FBI. The FBI strongly objected to methods used by the CIA to obtain information, and FBI agents were ordered to stay clear of participation in the “torture.”⁵⁷

May

- May 1, 2002: Detainee Tarek Dergoul is injected with a sedative prior to be transferred by plane from Afghanistan to Guantanamo Bay.⁵⁸
- May 8, 2002: Jose Padilla arrested by the FBI at the Chicago Airport. He is held as a material witness to the September 11, 2001 attacks.⁵⁹

⁴⁸ <http://georgewbush-whitehouse.archives.gov/news/releases/2002/03/20020320-17.html>

⁴⁹ <http://articles.latimes.com/2004/aug/18/nation/na-gitmo18>

⁵⁰ http://www.historycommons.org/entity.jsp?entity=noor_al_deen_1

⁵¹ <http://www.nytimes.com/2005/11/09/politics/09detain.html>

⁵² <http://www.jtfgtmo.southcom.mil/index/JTFGBrochurePg3.pdf>

⁵³ <http://english.aljazeera.net/focus/2009/07/20097221092685420.html#2008>

⁵⁴ <http://www.nytimes.com/2006/09/10/washington/10detain.html>

⁵⁵ http://www.globalsecurity.org/military/facility/guantanamo-bay_x-ray.htm

⁵⁶ <http://www.jtfgtmo.southcom.mil/index/JTFGBrochurePg3.pdf>

⁵⁷ <http://www.newsweek.com/id/74317>

⁵⁸ <http://www.guardian.co.uk/world/2004/may/16/terrorism.guantanamo>

- May 10, 2002: The US Federal Public Defender for the Eastern District of Virginia files a writ of habeas corpus petition for Yaser Esam Hamdi. The petition is filed as a “next friend.”⁶⁰
- May 16, 2002: Daniel Pearl’s grave is found near Karach. Pakistani authorities arrested four suspects. Ringleader Ahmad Omar Saeed Sheikh claimed to have organized Pearl's kidnapping to protest Pakistan's subservience to the United States, and had belonged to Jaish-e-Muhammad, an Islamic separatist group in Kashmir.⁶¹
- May 29, 2002: Judge Robert G. Doumar of the US District Court for the Eastern District of Virginia in Norfolk rules that Yaser Esam Hamdi is entitled to meet with a Federal Public Defender because he is an “enemy combatant”.⁶²
- Mid May, 2002: The CIA approves of and monitors the torture of al-Qaeda leader Abu Zubaida.
- May 2002: Jose Rodriguez is appointed Head of CIA Counterterrorism. Rodriguez formerly served as Head of CIA Latin American Div.⁶³

June

- June 2002: Detainee Sayed Abassin is transferred to Guantanamo Bay tied and gagged. He is released in April 2003, without having spoken to a lawyer or entered a court room. Abassin was returned to Afghanistan after signing an agreement not to have relations with Taliban or al-Qaeda.⁶⁴
- Guantanamo detainee Mohamed al-Khatani confesses in an FBI interrogation that he attempted to be one of the September 11, 2001 hijackers. He admits to having met Osama Bin Laden on several occasions.⁶⁵
- June 10, 2002: Attorney General John Ashcroft announces the arrest of Jose Padilla. Ashcroft reveals that Padilla was part of a plan to deploy a “dirty bomb” in the US.⁶⁶
- June 11, 2002: Detainee Hamdi files petition of *Habeas Corpus*.⁶⁷
- June 14, 2002: A car bomb exploded near the U.S. Consulate and the Marriott Hotel in Karachi, Pakistan. Eleven persons were killed and 51 were wounded, including one U.S. and one Japanese citizen. Al Qaida and al-Qanin were suspected.⁶⁸
- June 21, 2002: Guantanamo Bay now holds 564 detainees. Approximately 180 detainees arrived during the first 3 weeks of June.⁶⁹
- June 26, 2002: Public prosecutors file an “Enemy Combatant” declaration for Jose Padilla in the District Court for the Southern District in Lower Manhattan. The document reads “Citizens who associate themselves with the enemy and with its aid, guidance, and direction, enter this country bent on hostile acts, are enemy belligerents.”⁷⁰

⁵⁹ <http://supct.law.cornell.edu/supct/pdf/03-1027P.ZO>

⁶⁰ <http://archives.cnn.com/2002/LAW/05/31/justice.hamdi.appeal/>

⁶¹ <http://www.army.mil/terrorism/2006-2000/index.html>

⁶² <http://faculty.maxwell.syr.edu/tmkeck/Cases/HamdivRumsfeld2002.htm>

⁶³ http://www.iht.com/articles/2007/12/10/news/cia.php?WT.mc_id=rssfrontpage

⁶⁴ <http://www.amnesty.org/en/library/info/AMR51/114/2003>

⁶⁵ <http://query.nytimes.com/gst/fullpage.html?res=9C01E7D81239F932A15755C0A9629C8B63>

⁶⁶ <http://www.cbsnews.com/stories/2002/06/10/attack/main511703.shtml>

⁶⁷ <http://english.aljazeera.net/focus/2009/07/20097221092685420.html#2008>

⁶⁸ <http://www.army.mil/terrorism/2006-2000/index.html>

⁶⁹ http://osd.dtic.mil/news/Jun2002/n06212002_200206212.html

⁷⁰ <http://archives.cnn.com/2002/LAW/06/27/dirty.bomb.suspect/>

July

- July 2002: Guantanamo detainee Mohamed al-Khatani confesses in an FBI interrogation that he attempted to be one of the September 11, 2001 hijackers. He admits to having met Osama Bin Laden on several occasions.⁷¹
- July 12, 2002: The Court of Appeals for the Fourth Circuit overturns a district court order allowing Yaser Esam Hamdi access to his lawyer. The court wrote the “political branches are best positioned to comprehend this global war in its full context and it is the president who has been charged to use force against those nations, organizations, or persons he determines were responsible for the September 11 terrorist attacks.”⁷²
- July 15, 2002: The trial of John Walker Lindh is settled by a plea agreement. Lindh drops all charges of mistreatment by the government during his imprisonment, and in return he is subjected to two charges (nine others are dropped).⁷³
- July 25, 2002: Michael H. Mobbs, the Special Advisor to the Under Secretary of Defense for Policy, files a two page declaration of facts regarding the pending writ of habeas corpus for enemy combatant Yaser Hamdi.

August

- August 1, 2002: Jay Bybee of the Justice Department’s Office of Legal Counsel sends a declassified memo to White House Counsel Alberto Gonzales, suggesting that suspected al-Qaeda members may be justifiably tortured abroad. The memo is known as the “Golden Shield” because it outlined the possibility that torture abroad will keep officials from being liable for their decisions. The memo also outlines that torture is not allowed when it causes physical pain “equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death.”⁷⁴
- August 16, 2002: The district court at Norfolk Virginia finds the “Mobbs Declaration” filed on July 25, 2002 with the Hamdi case, to form an insufficient basis to keep Esam Hamdi detained indefinitely. In the ruling Judge Doumar wrote “if the court were to accept the Mobbs Declaration as sufficient justification for detaining Hamdi..., this Court would be acting as little more than a rubber stamp.”⁷⁵
- August 18, 2002: Los Angeles Times publishes an article stating that no senior al-Qaeda leaders are being held at Guantanamo Bay.
- August 27, 2002: Special Advisor to the Undersecretary of Defense for Policy, Michael H. Mobbs files a six-page memo stating that Jose Padilla “has been closely associated with known members and leaders of the al-Qaeda terrorist network,” and that he “met with senior Osama Bin Laden Lieutenant Abu Zubaida.” The memo also states that Padilla was hoping to detonate a radiological dispersal device within the United States.⁷⁶
- August, 2002: Nizar Sassi, a French detainee at Guantanamo Bay sent a postcard to his family reading “If you want a definition of this place, you don’t have the right to have rights.”⁷⁷

⁷¹ <http://query.nytimes.com/gst/fullpage.html?res=9C01E7D81239F932A15755C0A9629C8B63>

⁷² <http://faculty.maxwell.syr.edu/tmkeck/Cases/HamdivRumsfeld2002.htm>

⁷³ <http://www.cbsnews.com/stories/2002/07/15/news/opinion/courtwatch/main515225.shtml>

⁷⁴ <http://www.washingtonpost.com/wp-srv/nation/documents/dojinterrogationmemo20020801.pdf>

⁷⁵ <http://notablecases.vaed.uscourts.gov/2:02-cv-00439/docs/69824/0.pdf>

⁷⁶ <http://www.foxnews.com/story/0,2933,61491,00.html>

⁷⁷ <http://www.guardian.co.uk/world/2003/dec/03/guantanamo.usa1>

September

- September 13, 2002: The FBI arrests the “Lackawanna Six,” US citizens with a Yemeni background. The six are alleged to have trained with al-Qaeda in Afghanistan and to have met Osama bin Laden.⁷⁸
- September 15, 2002: Abdul Razaq is repatriated to Afghanistan. He is the first detainee to be repatriated.⁷⁹
- September 20, 2002: Department of Defense announces Major General Geoffrey D. Miller as the new commander of the Guantanamo Bay prison. He takes over the position in November 2002.⁸⁰
- September 25, 2002: White House Counsel Alberto Gonzales, Vice President Cheney’s chief of staff David Addington, CIA legal counsel John Rizzo, and Pentagon General counsel William Haynes travel to Guantanamo Bay to observe and advise the process of interrogations. Staff judge advocate Lieutenant Colonel Diane Beaver later recalls that Addington was the guy taking control of the meetings. The group advised officials at Guantanamo Bay that they should do anything necessary to gain intelligence.⁸¹
- September 2002: A study by the Central Intelligence Agency suggest that many of the accused terrorists held at GTMO are low-level recruits who traveled to Afghanistan to support the Taliban, or were innocent persons captured in the chaos of war.⁸²
- September 2002: The Pentagon orders an assessment of intelligence-gathering at Guantanamo Bay. The assessment is inspired by complaints about the low quality of intelligence gathered at the prison. One senior Guantanamo Bay officer later recalls “as time went on, people wanted to do more. The detainees were resistant. They knew we weren’t going to torture them. So we needed to come up with a Plan B for the small group of people who wouldn’t talk and who we thought did have intelligence.⁸³ The study results in the development of a 30-day course for interrogators and analysts at Fort Huachuca, Arizona. The course is nicknamed “Terrorism 101.”⁸⁴

October

- October 4, 2002: John Walker Lindh is sentenced to 20 years in federal prison.⁸⁵
- October 4, 2002: Capture and indictment of six suspected members of the al Qaeda terrorist network operating near Buffalo.⁸⁶
- October 9, 2002: General Rick Baccus is relieved of his duties as the camp commander at Guantanamo Bay, and as an officer in the Rhode Island national guard. Baccus was criticized within the Department of Defense and Executive branch for being “too nice” to detainees. According to chief interrogator, Major-General Michael Dunlavey, Baccus allowed the Red

⁷⁸ <http://www.cbsnews.com/stories/2002/10/22/world/main526564.shtml>

⁷⁹ <http://english.aljazeera.net/focus/2009/07/20097221092685420.html#2008>

⁸⁰ <http://www.defenselink.mil/releases/release.aspx?releaseid=3482>

⁸¹ <http://www.vanityfair.com/politics/features/2008/05/guantanamo200805?printable=true¤tPage=all>

⁸² <http://query.nytimes.com/gst/fullpage.html?res=9C01E7D81239F932A15755C0A9629C8B63>

⁸³ <http://query.nytimes.com/gst/fullpage.html?res=9C01E7D81239F932A15755C0A9629C8B63>

⁸⁴ <http://query.nytimes.com/gst/fullpage.html?res=9C01E7D81239F932A15755C0A9629C8B63>

⁸⁵ <http://www.cbsnews.com/stories/2002/08/15/news/opinion/courtwatch/main518767.shtml>

⁸⁶ <http://www.iwar.org.uk/homesec/resources/war-on-terror/timeline.pdf>

Cross to hang posters informing inmates that they need only to tell interrogators their name, rank, and number.⁸⁷

- October 11, 2002: Lieutenant Colonel Jerald Phifer sends a memo to Major General Michael E. Dunlavey, Commander of Joint Task Force 170. The memo requests approval for more severe interrogation techniques. “The current guidelines for interrogation procedures at GTMO limit the ability of interrogators to counter advance resistance.” The memo discusses three categories of techniques. On the weak end of the spectrum is the request to yell and be deceptive to detainees. Next is the request for the use of stress positions for periods of up to 4 hours, the use of falsified documents, month long isolation, 24 hour interrogations, and the use of fear inducing props such as dogs. The harshest techniques requested include physical contact, death and pain threats, and water-boarding.⁸⁸
- Mid October, 2002: The population at Guantanamo Bay reaches 598 detainees. This is two shy of its ideal capacity.⁸⁹
- October 28, 2002: Mohammed Saghir is repatriated to Pakistan. Jon Mohammad Barakzai, Mohammed Sadiq and Haji Faiz Mohammed are repatriated to Afghanistan.⁹⁰

November

- President Bush signs the Homeland Security Act of 2002, establishing the Department of Homeland Security.⁹¹

December

- December 2, 2002: Defense Secretary Donald Rumsfeld approves the recommendations for interrogation methods put forth by General Counsel William J. Haynes. In the authorization memo Rumsfeld includes a note stating “I stand for 8-10 hours a day. Why is standing limited to 4 hours?”⁹²
- December 3, 2002: Mullah Habidullah dies in US custody at the Bagram military base. According to reports, Habidullah had been chained in an upright position for several days and had his legs beaten. The beating likely led to a pulmonary embolism, a large blood clot blocking the flow of blood through an artery.⁹³
- December 4, 2002: A federal judge in New York rules that Jose Padilla has the right to meet with an attorney. The judge states that the government can detain Padilla indefinitely as an “enemy combatant” despite his US citizenship. Padilla does have the right to contest his status as an enemy combatant.⁹⁴
- December 10, 2002: An Afghani taxi driver named Dilawar dies in US custody at the Bagram military base. Dilawar’s death certificate indicates that his death was caused by “blunt force injuries to lower extremities complicating coronary artery disease. No accusations against Dilawar were ever raised, and he is presumed to have been an innocent detainee picked up in the fog of war.”⁹⁵⁹⁶

⁸⁷ <http://www.guardian.co.uk/world/2002/oct/16/usa.afghanistan>

⁸⁸ <http://www.globalsecurity.org/security/library/policy/dod/d20040622doc3.pdf>

⁸⁹ <http://www.guardian.co.uk/world/2002/oct/16/usa.afghanistan>

⁹⁰ <http://english.aljazeera.net/focus/2009/07/20097221092685420.html#2008>

⁹¹ <http://www.iwar.org.uk/homesecc/resources/war-on-terror/timeline.pdf>

⁹² <http://query.nytimes.com/gst/fullpage.html?res=9B00E7DA123EF936A1575BC0A9629C8B63>

⁹³ http://www.usatoday.com/news/world/iraq/2004-05-31-prison-abuse_x.htm

⁹⁴ http://www.usatoday.com/news/world/iraq/2004-05-31-prison-abuse_x.htm

⁹⁵ <http://www.nytimes.com/2003/03/04/international/asia/04AFGH.html>

⁹⁶ http://news.bbc.co.uk/2/hi/south_asia/2825575.stm

- December 11, 2002: CIA director George Tenet describes a rendition program with Saudi Arabia. Under the program, terrorist suspects are transferred to Saudi Arabia where they are interrogated jointly by US and Saudi officials. The suspects then remain in Saudi custody.⁹⁷
- December 18, 2002: The United Nations General Assembly adopts the Optional Protocol to the Convention on Torture. The protocol's purpose is to enforce the provisions of the convention. Prison's falling under the convention will be regularly visited by a subcommittee of investigators. Only four nations vote against the protocol, these are the US, Nigeria, Marshal Islands, and Palau.⁹⁸
- December 18, 2002: Naval General Counsel Alberto Mora learns of detainee abuse at Guantanamo Bay. Mora calls Steven Morello, General Counsel to the Army to discuss the abuse. At the meeting Morello explains that he knew of many of the abuses and tried to stop them but was told not to ask questions or raise a fuss. Mora later states "I was astounded that the secretary of defense would get within 100 miles of this issue."^{99 100}
- December 20, 2002: Naval General Counsel Alberto Mora meets with Pentagon Chief Counsel, William Haynes. The purpose of the meeting is Mora's attempt to convince Haynes to suspend acts at Guantanamo Bay that may be considered torture. Haynes repeatedly denied that the alleged activities are torture.¹⁰¹
- December 27, 2002: Human Rights Watch requests that President Bush investigate allegations of abuse at Guantanamo Bay. White House spokesman Scott McClellan answers the response stating that no investigation is necessary because "we are in full compliance with domestic and international law, including domestic and international law dealing with torture. It was further stated that the US acts in full compliance with the third Geneva Convention."¹⁰²
- December 2002: A program of rewards and punishments is revised at Guantanamo Bay. Level 1 detainees are entitled to comfort items including a bottle of water, toothpaste, soap, and cups. Level 4 detainees have the harshest conditions are not entitled to most comfort and hygiene items. At level 4 detainees have no blankets, towels, cups, or soap.¹⁰³
- December 31, 2002: five detainees are transferred out of Guantanamo Bay in 2002.¹⁰⁴

2003

January

- January 12, 2003: Pentagon General Counsel William Haynes meets with Defense Secretary to discuss the concerns raised by Naval General Counsel Alberto Mora. Rumsfeld agrees to suspend a few techniques authorized at the time.¹⁰⁵
- January 15, 2003: Defense Secretary Donald Rumsfeld rescinds his authorization for many of the interrogation methods authorized on December 2, 2002. The methods may be used with express approval made on an individual basis. Rumsfeld commissions a panel of

⁹⁷ <http://www.washingtonpost.com/wp-dyn/content/article/2006/06/09/AR2006060901356.html>

⁹⁸ <http://sumoud.tao.ca/?q=node/view/67>

⁹⁹ http://www.newyorker.com/archive/2006/02/27/060227fa_fact?currentPage=all

¹⁰⁰ <http://www.vanityfair.com/politics/features/2008/05/guantanamo200805?printable=true¤tPage=all>

¹⁰¹ http://www.newyorker.com/archive/2006/02/27/060227fa_fact?currentPage=all

¹⁰² <http://www.commondreams.org/headlines02/1228-02.htm>

¹⁰³ <http://news.bbc.co.uk/2/hi/americas/3806713.stm>

¹⁰⁴ <http://projects.washingtonpost.com/guantanamo/timeline/>

¹⁰⁵ <http://www.america.gov/st/washfile-english/2004/June/20040623203050cpataruk0.1224024.html>

Defense Department officials called the General Counsel Interrogation Working Group. The Panel is meant to look into the legal, policy, and operational issues stemming from detainee interrogation and treatment at Guantanamo Bay and other US military outposts.¹⁰⁶

- January 22, 2003: Captain Carolyn Wood is awarded a Bronze Star for “exceptional meritorious service.” Wood served as the leader of a platoon of 15 interrogators. Previously, Wood served as the head of interrogations at the US air base in Bagram. During her service there, two detainees died due to physical abuse administered by soldiers.¹⁰⁷
- January 24, 2003: The US military command in Afghanistan, Combined Joint Task Force 180 issues a memo on interrogation techniques. The memo includes a list of effective interrogation methods, including nudity. Use of nudity had been banned for use in interrogations by Defense Secretary Donald Rumsfeld on January 15, 2003.¹⁰⁸
- January 2003: Sean Baker, an MP and member of the Kentucky National Guard is injured at Guantanamo Bay while serving the role of detainee in a training exercise. Baker was wearing a prisoners orange jump suit over his clothing, and the soldiers involved in the exercise were not aware of who he was. Baker recalled “They grabbed my arms, my legs, twisted me up and unfortunately one of the individuals got up on my back from behind and put pressure down on me while I was face down. Then he—the same individual—reached around and began to choke me and press my head down against the steel floor. After several seconds, 20 to 30 seconds, it seemed like an eternity because I couldn’t breathe. When I couldn’t breathe, I began to panic and I gave the code word I was supposed to give to stop the exercise, which was ‘red.’... That individual slammed my head against the floor and continued to choke me. Somehow I got enough air. I muttered out: ‘I’m a US soldier. I’m a US soldier.’” Baker suffered severe head wound injuries as a result of the exercise.¹⁰⁹

February

- February 2003: Camp 4 is opened. Camp 4 contains communal living quarters.¹¹⁰
- February 6, 2003: Navy General Counsel Alberto Mora invites Justice Department lawyer John Yoo to a meeting at Mora’s office. Mora discusses Yoo’s legal memo in support of the President’s authority to order torture. Mora asks Yoo “Are you saying the president has the authority to order torture?” Yoo’s response is “Yes. I’m not talking policy, I’m just talking about the law.”¹¹¹
- February 6, 2003: Vincent Cannistraro, the former head of the CIA’s Counter Terrorism Center that a former Guantanamo Bay detainee who is alleged to be a senior al-Qaeda operative, provided important information upon being tortured. The torture occurred in Egypt after the detainee was rendition there. In Egypt, the detainee refused to cooperate until his interrogators tore out his fingernails.¹¹²
- February 11, 2003: In Munich, Germany, Defense Secretary Donald Rumsfeld is asked if the United States is obligated to abide to any international laws or code of conduct in the Afghanistan war, or pending Iraq war. Rumsfeld answers “I honestly believe that every

¹⁰⁶ <http://query.nytimes.com/gst/fullpage.html?res=9B00E7DA123EF936A1575BC0A9629C8B63>

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¹⁰⁸ <http://www.c-span.org/pdf/armyabughraib.pdf>

¹⁰⁹ <http://query.nytimes.com/gst/fullpage.html?res=9A03EFDC1031F936A35755C0A9629C8B63>

¹¹⁰ <http://www.jtfgtmo.southcom.mil/index/JTFGBrochurePg3.pdf>

¹¹¹ http://www.newyorker.com/archive/2006/02/27/060227fa_fact?currentPage=all

¹¹² <http://hrw.org/english/docs/2004/05/07/usint8556.htm>

country ought to do what it wants to do... It either is proud of itself afterwards, or it is less proud of itself.”¹¹³

- February 13, 2003: Detainee Moazzam Begg confesses to being a member of al-Qaeda after having spent nearly 600 days in solitary confinement at Guantanamo Bay. Begg later states that he made the “false confession” after receiving continued threats of long term imprisonment, summary trials, and execution.¹¹⁴
- February 2003: CIA General Counsel Scott Muller briefs a group of federal legislators on the CIA’s interrogation program. Muller informs the group that the CIA has recorded videotapes of interrogations, and that they are contemplating destroying those tapes due to the concern that the interrogators can be identified in them. House Intelligence Committee members Jane Harman (D-CA) and Porter Goss (R-FL) advise Muller against destroying the tapes.¹¹⁵ Representative Harman wrote a letter to the CIA on the matter, and has requested that her letter be declassified and made available to the public.¹¹⁶

March

- March 1, 2003: Wakil Mohammed, an unarmed peasant is killed by US special forces soldier during an interrogation. The officer was questioning Mohammed about his involvement in a firefight earlier in the day. Mohammed’s death was not reported in the initial summary of the firefight, and the Army later lists the death as a murder. No charges have ever been filed within the military for the murder. A soldier from the unit told the Los Angeles Times that the unit commenced a meeting to corroborate the story in case of an investigation.¹¹⁷
- March 1, 2003: Khalid Shaikhe Mohammed is reportedly arrested in Rawalpindi, Pakistan. There are doubts as to whether or not this is the date and the raid in which Mohammed was captured.¹¹⁸
- March 6, 2003: Under the guidance of Defense Department General Counsel, William J. Haynes, a classified report justifying the use of torture is published. The document was compiled by counsel for various departments of the Justice and Defense Departments, with the purpose of expanding the options for interrogators at Guantanamo Bay who complained to Secretary of Defense Donald Rumsfeld that presently authorized tactics were not sufficient to obtain information.¹¹⁹ The report argues that the President has supreme authority during times of war, and may authorize the use of force as necessary to protect the nation. “Without a clear statement otherwise, criminal statutes are not read as infringing on the president’s ultimate authority... any effort by Congress to regulate the interrogation of unlawful combatants would violate the Constitution’s sole vesting of the commander in chief authority to the president.”
- March 7, 2003: Saud Memon is arrested in South Africa. Memon has been wanted by the US and Pakistani officials since January 2002, due to his involvement in the death of Wall Street Journal reporter Daniel Pearl. Memon owned the property where Pearl’s body was

¹¹³ <http://www.guardian.co.uk/politics/2004/feb/11/iraq.iraq2>

¹¹⁴ <http://www.guardian.co.uk/uk/2004/oct/01/world.guantanamo>

¹¹⁵

<http://www.nytimes.com/2007/12/08/washington/08intel.html?ei=5088&en=5007e974a1d53660&ex=1354770000&adxnln=1&partner=rssnyt&emc=rss&adxnlnx=1197230576-52ssTxQGC9wU4ZPBvWemDg>

¹¹⁶ <http://www.speaker.gov/blog/?p=981>

¹¹⁷ <http://www.crimesofwar.org/onnews/news-gardez2.html>

¹¹⁸ http://web.archive.org/web/20030402001747/http://abcnews.go.com/wire/World/ap20030301_1271.html

¹¹⁹ <http://www.commondreams.org/cgi-bin/print.cgi?file=/headlines04/0607-01.htm>

- found, and it is presumed that he was killed. Memon will spend more than two years in US custody at Guantanamo Bay. He later dies at his home on May 18, 2007 due to illness.¹²⁰
- March 11, 2003: Federal appeals court rules that detainees do not have legal rights in the United States.¹²¹
 - March 11, 2003: The Court of Appeals for the District of Columbia affirms the US government position that federal courts do not have jurisdiction over Guantanamo Bay. As a result, detainees held there are not entitled to legal action in federal courts.¹²²
 - March 14, 2003: Office of Legal Counsel attorney John Yoo authors a memo addressed to William J. Haynes, the General Counsel for the Department of Defense. In the memo Yoo argues that the President may authorize the maiming of detainees if he deems it to be necessary to his commander in chief powers. According to Yoo, all techniques are available (including the poking of one's eye) unless it results in "death, organ failure, or serious impairment of bodily functions." Yoo argues that where the Geneva Conventions does not allow for a tactic, it is irrelevant because the convention does not apply to terrorists. "If a government defendant were to harm an enemy combatant during an interrogation in a manner that might arguably violate a criminal prohibition, he would be doing so in order to prevent further attacks on the US by the al-Qaeda terrorist network. In that case, we believe that he could argue that the executive branch's constitutional authority to protect the nation from attack justified his actions. Even if an interrogation method arguably were to violate a criminal statute, the Justice Department could not bring a prosecution because the statute would be unconstitutional as applied in this context."¹²³
 - March 17, 2003: Homeland Security Department commences Operation Liberty Shield, an increase in protective measures to defend the homeland coinciding with the commencement of Operation Iraqi Freedom.¹²⁴
 - March 19, 2003: The US invasion of Iraq commences.¹²⁵
 - March 23, 2003: 18 detainees are repatriated to Afghanistan.¹²⁶
 - March 24, 2003: Martin Mubanga, a Guantanamo Bay detainee from Great Britain managed to send coded letters to his family from the prison. In the letters Mubanga claims to have been threatened with physical violence and sexual assault.¹²⁷
 - March 28, 2003: Department of Defense issues the Camp Delta Standard Operating Procedures¹²⁸
 - March 2003: Khalid Shaikh Mohammed is tortured extensively during interrogations following his March 1, 2003 arrest. It is reported that he is kept in a cell naked, questioned by female officers, attached to a dog leash, suspended from the ceiling, chained in a crouch position, and kept in suffocating heat. Mohammed, having refused to cooperate is transferred to a CIA prison in Poland where he is waterboarded.¹²⁹ According to one CIA

¹²⁰ <http://www.signonsandiego.com/news/world/20070518-1727-pakistan-pearlslaying.html>

¹²¹ <http://english.aljazeera.net/focus/2009/07/20097221092685420.html#2008>

¹²² <http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=dc&navby=docket&no=025251>

¹²³ http://www.aclu.org/pdfs/safefree/yoo_army_torture_memo.pdf

¹²⁴ <http://www.iwar.org.uk/homesecc/resources/war-on-terror/timeline.pdf>

¹²⁵ <http://www.cnn.com/2003/WORLD/meast/03/19/sprj.irq.main/>

¹²⁶ <http://english.aljazeera.net/focus/2009/07/20097221092685420.html#2008>

¹²⁷ <http://www.independent.co.uk/news/world/americas/coded-letters-from-briton-in-guantanamo-reveal-regime-of-violence-555803.html>

¹²⁸ <http://88.80.13.160/leak/gitmo-sop.pdf>

¹²⁹ http://www.newyorker.com/reporting/2007/08/13/070813fa_fact_mayer?printable=true

official, “Khalid Shaike Mohammed lasted the longest under waterboarding, about a minute and a half, but once he broke, it never had to be used again.”¹³⁰

- March 2003: US troop commander in Afghanistan, Lt. Gen. Daniel McNeill tells the New York Times that detainees at the Bagram base are not chained to the ceilings, although they are forced to stand for long periods of time. The interview is in reference to the death of detainee Dilawar on December 10, 2002. McNeill said “ Our interrogations techniques are adapted, they are in accordance with what is generally accepted as interrogation techniques, and if incidental to the due course of this investigation we find things that need to be changed, we will certainly change them.”¹³¹

April

- April 4, 2003: Detainees at Guantanamo Bay who have been cooperative with military officials are moved to Camp 4. Camp 4 is considered “medium-security” and detainees are allowed to wear white uniforms instead of the standard orange ones. Detainees are allowed to move freely outside their cells and to watch “family oriented” films in their native language. The capacity of Camp 4 is 160 detainees.¹³²
- April 9, 2003: US troops seize control of Baghdad and the giant statue of Saddam Hussein is torn down.¹³³
- April 16, 2003: Secretary of Defense Donald Rumsfeld approved 24 of 35 interrogation techniques recommended by the Pentagon in an April 4th memo. The tactics are divided into two levels, those authorized for use on all detainees, and those for special detainees. The second group require the express approval of Lt. Gen. Ricardo S. Sanchez, and include tactics that could cause temporary mental and physical pain.¹³⁴
- April 16, 2003: Representatives from the International Committee of the Red Cross report witnessing the death of a detainee when he was shot by a prison guard at Camp Bucca in Umm Qasr, Iraq.¹³⁵
- April 18, 2003: The Pentagon rejects the request of Amnesty International to visit the US military base at Bagram, Afghanistan. The Defense Department answered the request by stating that the International Committee of the Red Cross has been granted access. Marshall Billingslea, Principal Deputy to the Assistant Secretary of Defense wrote “in this war, as in every war, captured enemy combatants have no right to counsel or access to courts for the purpose of challenging their detention.”¹³⁶
- April 22, 2003: The US Army takes control of the Abu Gharaib prison in Baghdad, Iraq. The prison had previously held a reputation for horrendous torture under the control of Saddam Hussein.¹³⁷
- April 2003: Officers of the Naval Special Warfare Team at the LSA Diamondback facility in Mosul, Iraq, killed an Iraqi prisoner during an interrogation. He was reportedly found dead

¹³⁰ <http://blogs.abcnews.com/theblotter/2007/09/cia-bans-water-.html>

¹³¹ <http://www.nytimes.com/2003/03/04/international/asia/04AFGH.html>

¹³² <http://query.nytimes.com/gst/fullpage.html?res=9C01E7D81239F932A15755C0A9629C8B63>

¹³³ <http://edition.cnn.com/2003/WORLD/meast/04/09/spri.iq.int.war.main/>

¹³⁴ <http://www.smh.com.au/articles/2004/05/21/1085120120943.html>

¹³⁵ http://www.globalsecurity.org/military/library/report/2004/icrc_report_iraq_feb2004.htm

¹³⁶ <http://www.amnesty.org/en/library/info/AMR51/114/2003>

¹³⁷ <http://news.bbc.co.uk/2/hi/americas/3747005.stm>

in his sleep the night following his interrogation. The death report states that he died from “blunt-force trauma to the torso and positional asphyxia.”¹³⁸

- April 2003: Amnesty International reports numerous abuse claims from Iraqi prisoners of war. “In one case we are talking about electric shocks being used against a man and in others people are being beaten for the whole night and are still being kicked and their teeth broken.”¹³⁹
- April 2003: A legal memo produced by the Justice Department suggests that US officials cannot be held liable under US or international law for the abuse of detainees if the detainees are said to be in the custody of another country during the abuse. It is suggested that any abuse taking place outside of US mainland soil may provide such a loophole, and that the laws apply only to government officials. The further removed from difficult decisions the top officials are, the more shielded they would be from liability.¹⁴⁰

May

- May 2003: GITMO population reaches 680 detainees.¹⁴¹
- May 1, 2003: President Bush lands on the USS Abraham Lincoln off the coast of San Diego wearing a flight-suit. The President delivers a speech in front of a banner reading “Mission Accomplished.”¹⁴² The declaration is legally significant in that Iraqi prisoners are no longer considered prisoners of war under the third article of the Geneva Conventions. Now, the detainees are civilians being held by an occupying power pursuant to the fourth article of the Geneva Conventions. The distinction allows for indefinite/long term detainment where a threat is posed to the governing power.¹⁴³
- May 7, 2003: The CIA falsely informs Judge Leonie Brinkema that it does not have recordings of the interrogations of detainees who provided information used in the Zacarias Moussaoui prosecution. Specifically, the CIA had secretly recorded and maintained copies of the interrogations of Abu Zubaida and Abd al-Rahim al Nashiri.¹⁴⁴
- May 11, 2003: After serving as head of the Coalition Provisional Authority overseeing the reconstruction of Iraq, Jay Garner is replaced by diplomat Paul Bremer III. Garner had been chosen by the Pentagon originally for the post.¹⁴⁵
- May 12, 2003: Four soldiers from the 320th Military Police Battalion physically beat several prisoners at Camp Bucca in Iraq. The soldiers reportedly kicked prisoners in the groin, and hit them in the face. A soldier under investigation stated “A few of the MPs were assaulted by the enemy prisoners, and we had to use force to regain control, all justifiable.” All four MPs were given less than honorable discharges, however they were not prosecuted.¹⁴⁶

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http://web.archive.org/web/20050209002138/http://www.denverpost.com/cda/article/print/0,1674,36~11676~2_157003,00.html

¹³⁹ http://news.bbc.co.uk/2/hi/middle_east/3034031.stm

¹⁴⁰ <http://www.commondreams.org/headlines04/0513-03.htm>

¹⁴¹ <http://english.aljazeera.net/focus/2009/07/20097221092685420.html#2008>

¹⁴² <http://www.cnn.com/2003/ALLPOLITICS/05/01/bush.carrier.landing/>

¹⁴³ <http://www.washingtonpost.com/wp-dyn/articles/A43708-2004May20.html>

¹⁴⁴ <http://www.reuters.com/article/topNews/idUSN1362605320071113>

¹⁴⁵ <http://www.cnn.com/2003/WORLD/meast/05/11/spri.nitop.bodine/>

¹⁴⁶ http://www.usatoday.com/news/world/iraq/2003-07-26-soldiers-charged_x.htm

- May 14, 2003: The Department of Defense released one detainee from Guantanamo Bay, Cuba, and transferred four Saudi detainees to the Government of Saudi Arabia for further detention.¹⁴⁷
- May 19, 2003: The Lackawanna Six, charged with aiding al-Qaeda in September of 2002 change their plea. The six agree to plea guilty in exchange for prison terms ranging between 6 ½ and 9 years. According to the defense attorneys the plea was reached out of fear of the clients being deemed enemy combatants and thus subjected to different law.¹⁴⁸
- May 24, 2003: According to a report by the International Committee of the Red Cross, a detainee at Camp Cropper in Iraq suffered from a non-fatal gunshot wound. The shot was reportedly related to the detainees involvement in a hunger strike.¹⁴⁹
- May 2003: Eight high-ranking lawyers from the Army Judge Advocate General's office meet with Scott Horton, head of the New York State Bar Association committee on international law. The purpose of the meeting is to request that Horton exert pressure on the Pentagon to reverse its authorization of stress and duress interrogation options. Horton recalls "They were extremely concerned about how the political appointees were dealing with interrogation issues. They said this was a disaster waiting to happen and that they felt shut out."¹⁵⁰
- May 2003: A US soldier stationed at Camp Bucca prison in Iraq records a video journal in which she states that she and fellow soldiers have shot and killed prisoners. "If we shoot any more of the Iraqis, or attack any of them, they're supposedly come in and attack the camp... But we'll believe that when it actually happens, because we've already killed another Iraqi just last night when I was working."¹⁵¹

June

- June 2, 2003: Gen. George Casey, director of the US military's Joint Staff writes a secret memo to Gen. Michael DeLong of the Central Command that "CIA has advised that the techniques the military forces are using to interrogate high value detainees are more aggressive than the techniques used by CIA who is interviewing the same high value detainees." DeLong responds to the letter stating that the methods used by the military are in compliance with Army regulations and the authorizations of Defense Secretary Donald Rumsfeld. It is clear none the less that there is no fluid collaboration or methodology between the various sectors of military and intelligence gathering departments.¹⁵²
- June 8, 2003: US soldiers at Camp Cropper in southern Iraq fire live ammunition, injuring 5 to 6 detainees.¹⁵³
- June 12, 2003: Two prisoners at Abu Gharib in Iraq are shot, and one dies as a result of the injury. The shootings were in response to a detainee protest regarding living conditions at the prison.¹⁵⁴
- June 13, 2003: Additional riots take place at Abu Gharib when promises made in an effort to end the previous days uprising are not delivered. Prison guards fire rounds from three

¹⁴⁷ <http://www.defenselink.mil/releases/release.aspx?releaseid=3830>

¹⁴⁸ <http://www.guardian.co.uk/world/2003/dec/03/guantanamo.usa1>

¹⁴⁹ <http://www.antipar.com/rep/red-cross-report.pdf>

¹⁵⁰ http://www.usatoday.com/news/world/iraq/2004-05-13-warnings_x.htm

¹⁵¹ <http://www.cbsnews.com/stories/2004/05/11/6011/main616849.shtml>

¹⁵² http://www.newyorker.com/reporting/2007/06/25/070625fa_fact_hersh?printable=true

¹⁵³ <http://www.antipar.com/rep/red-cross-report.pdf>

¹⁵⁴ <http://www.antipar.com/rep/red-cross-report.pdf>

- watchtowers, killing Ala' Jassem Sa'ad, a 22 year old detainee. Seven additional prisoners are injured by the shooting.¹⁵⁵
- June 17-18, 2003: The American Psychological Association hosts a workshop along with the CIA and the RAND Corporation. The workshop is titled "Science of Deception: Integration of Practice and Theory." One session explores the use of pharmacological agents known to induce "truth-telling behavior."¹⁵⁶¹⁵⁷
 - June 23, 2003: The US drops criminal charges against Ali Saleh Kahlah al-Marri for bank and credit card fraud. Al-Marri was held in solitary confinement without legal representation since December 12, 2001.¹⁵⁸ President Bush signs an order designating al-Marri an enemy combatant, subjecting him to further detainment. The order states that he "engaged in conduct that constituted hostile and war-like acts, including conduct in preparation for acts of international terrorism." It is alleged that al-Marri personally met with Osama bin-Ladin and other high ranking al-Qaeda officials.¹⁵⁹ Al-Marri who is a citizen of Qatar with US residency is the third person to be named an enemy combatant (Jose Padilla and Yaser Esam Hamdi are the other two).
 - June 25, 2003: Department of Defense General Counsel William J. Haynes replies to a letter sent by Vermont Senator Patrick Leahy regarding interrogation policies. Haynes reply states that it is the US policy to comply with US and international law regarding cruel, inhuman, and degrading treatment with regards to the conduct of interrogations and detainee treatment. Avoiding details of specific techniques, he writes that "it would not be appropriate to catalogue the interrogation techniques used by US personnel thus we cannot comment on specific cases or practices."¹⁶⁰
 - June 25, 2003: Vermont Senator Arlen Specter sends a letter to National Security Adviser Condoleezza Rice requesting "clarification about numerous stories concerning alleged mistreatment of enemy combatants in US custody." He seeks assurances that steps are taken to ensure no torture is used by the US or coalition nations.¹⁶¹
 - June 26, 2003: President Bush makes a public statement calling for the eradication of torture. Bush calls on all nations to work with the US in "prohibiting, investigating, and prosecuting all acts of torture and in undertaking to prevent cruel and unusual punishment." The President also condemns Burma, Cuba, North Korea, and Iran for not allowing human rights monitors to examine their practices.¹⁶²
 - June 29, 2003: Brig. Gen. Janis Karpinski is appointed commander of the 800th MP Brigade. Kaprinski oversees Camp Bucca, an Iraqi prison holding 3,500 prisoners, as well as 16 other prisons in Iraq. Kaprinski is a reservist soldier without prior experience managing prisons.¹⁶³
 - June, 2003: An Iraqi prisoner is killed at a US facility in Baghdad after being bound to a chair and being struck in the head during an interrogation.¹⁶⁴

¹⁵⁵ <http://www.antiwar.com/rep/red-cross-report.pdf>

¹⁵⁶ <http://web.archive.org/web/20030802090354/http://www.apa.org/ppo/issues/deceptscenarios.html>

¹⁵⁷ <http://www.cqpolitics.com/wmspage.cfm?docID=hsnews-000002697912>

¹⁵⁸ <http://www.cbsnews.com/stories/2003/06/23/attack/main559962.shtml>

¹⁵⁹ <http://www.cnn.com/2003/LAW/06/23/qatar.combatant/>

¹⁶⁰ <http://www.commondreams.org/cgi-bin/print.cgi?file=/headlines04/0607-01.htm>

¹⁶¹ <http://hrw.org/english/docs/2004/05/07/usint8556.htm>

¹⁶² <http://georgewbush-whitehouse.archives.gov/news/releases/2003/06/20030626-3.html>

¹⁶³ <http://www.c-span.org/pdf/armyabughraib.pdf>

- June, 2003: Shafiq Rasul, one of three Guantanamo Bay detainees known as the “Tipton Three” is forced to make a false confession. The US interrogation team with likely involvement from British intelligence officers, presented a video dated January 2000 in which they claimed Rasul could be seen alongside Osama bin Ladin and Mohamed Atta in Afghanistan. According to Rasul “people had told them that this guy in a beard standing behind bin Laden was me. I told them that in 2000 I didn’t leave the country, that I was working at the Wednesbury branch of Currys, who would have my employment records. They told me I could have falsified those records, that I could have had someone working with me at Currys who could have altered the data the company held, and traveled on a false passport.” Asif Iqbal and Rhuheh Ahmed, the other two detainees of the Tipton Three are also compelled to make false confessions. The three are later proved innocent and released after the British MI5 intelligence agency provides evidence that all three were in Britain during the alleged incidents.¹⁶⁵
- June 2003: Vermont Senator Patrick Leahy writes letters to the White House, CIA and Pentagon complaining about allegations of abuse and mistreatment of prisoners at various US military posts. Leahy asks for clarification on the techniques being used, and whether or not it is true that prisoners are being beaten, deprived of food and sleep, and subjected to stress positions. Leahy requests that the administration issue a statement condemning the use of cruel, inhumane, or degrading treatment of detainees. The Pentagon and CIA issue statements of denial regarding Leahy’s allegations of prison treatment.¹⁶⁶
- June 2003: Abd al-Rahman, a former Iraqi agriculture ministry official is taken into custody by Coalition Forces. For three months al-Rahman is reportedly beaten, and shocked with an electric cattle-prod. He also had one or more toenails pried off, and was forced to eat pork in violation of his Muslim religion.¹⁶⁷

July

- July 2, 2003: President Bush encourages Iraqi fighters to attack coalition troops. “There are some who feel that, you know, the conditions are such that they can attack us there. My answer is, bring ‘em on. We have the force necessary to deal with the situation.” The comment was made at a White House ceremony to appoint the director of a \$15 billion AIDS program in Africa.¹⁶⁸
- July 3, 2003: The Department of Defense announces that six Guantanamo detainees are to be tried before a military commission. The detainees are David Hicks of Australia, Mozzam Begg of Pakistan and Great Britain, Feroz Abbasi of Great Britain, Salim Ahmed Hamdan and Ali Hamza Ahmad Sulayman al-Bahlul of Yemen, and Ibrahim Ahmed Mahmoud al-Qosi of Sudan.¹⁶⁹
- July 10, 2003: Amjed Isail Waleed, a detainee at Abu Ghraib prison in Iraq is left naked in a pitch black cell for 5 days.¹⁷⁰

¹⁶⁴

<http://web.archive.org/web/20050209002138/http://www.denverpost.com/cda/article/print/0,1674,36~11676~2157003,00.html>

¹⁶⁵ <http://www.guardian.co.uk/world/2004/oct/03/bookextracts.usa>

¹⁶⁶ http://www.usatoday.com/news/world/iraq/2004-05-13-warnings_x.htm

¹⁶⁷ <http://hrw.org/english/docs/2004/05/07/usint8556.htm>

¹⁶⁸ <http://www.nytimes.com/2003/07/02/politics/02CND-PREX.html>

¹⁶⁹ <http://www.defense.gov/releases/release.aspx?releaseid=5511>

¹⁷⁰ <http://www.christusrex.org/www1/icons/nyt-6-8-04b.html>

- June 15, 2003: The 519th Military Intelligence Battalion published a memo establishing new Interrogation rules in Iraq. The protocol is primarily authored by Cpt. Carolyn A. Wood who formerly served as head of the military intelligence interrogations at Bagram. Under the new protocol interrogators may use stress positions, dogs, yelling, loud music, and sleep management techniques.¹⁷¹
- July 16, 2003: The CIA station at Baghdad sends a message to the CIA headquarters in Virginia stating concerns about aggressive interrogation techniques being used by Joint Task Force 121.¹⁷²
- July 16, 2003: 12 detainees are repatriated to Pakistan. 15 detainees are repatriated to Afghanistan. Salah Hudin is transferred to an unknown country.¹⁷³
- July 18, 2003: The Defense Department announces the release of 27 Guantanamo Bay detainees to their countries of origin. Following the release there are approximately 660 detainees at Guantanamo Bay.¹⁷⁴
- July 27, 2003: The Pentagon charges four US soldiers from the Pennsylvania Army Reserve with punching, kicking, and breaking the bones of Iraqi detainees at Camp Bucca, Iraq. The charges stem from events on May 12, 2003.¹⁷⁵
- July 2003: The International Committee of the Red Cross sends an early draft of a paper detailing 50 allegations of detainee mistreatment at Camp Cropper, Iraq, to Coalition Forces. Among the complaints discussed are “threats; hooding; tight handcuffing; use of stress positions for three or four hours; taking aim at individuals with rifles; striking them with rifle butts; slaps; punches; prolonged exposure to the sun; and isolation in dark cells.” The report is completed in February of 2004, however the early version was sent in an attempt to cause Coalition Forces to take an active role in correcting improper events.¹⁷⁶
- July 2003: A detainee being transported to Abu Ghraib is hospitalized for three months after suffering severe burns. The detainee was placed on a hot surface where he was handcuffed and hooded. During the hospital stay, his right index finger was amputated.¹⁷⁷

August

- August 4, 2003: The US military officially reopens Abu Gharib prison in Baghdad. Lt. Col. Jerry Phillabaum, a reservist commander of the 320th Military Police Battalion is in charge of the facility.¹⁷⁸
- August 18, 2003: Defense Secretary Donald Rumsfeld orders Undersecretary of Defense for Intelligence, Stephen Cambone and Maj. Gen. Geoffrey Miller to conduct a review of the US military prison system in Iraq. The goal is to develop new tactics to obtain better intelligence from Iraqi detainees.¹⁷⁹

¹⁷¹ <http://www.guardian.co.uk/world/2004/jun/23/usa.afghanistan>

¹⁷² <http://www.nytimes.com/2004/09/11/international/middleeast/11abuse.html>

¹⁷³ <http://english.aljazeera.net/focus/2009/07/20097221092685420.html#2008>

¹⁷⁴ <http://www.nytimes.com/2004/09/11/international/middleeast/11abuse.html>

¹⁷⁵ http://web.archive.org/web/20030831110356/http://charleston.net/stories/072703/ter_27charged.shtml

¹⁷⁶ <http://www.antivar.com/rep/red-cross-report.pdf>

¹⁷⁷ http://web.archive.org/web/20030831110356/http://charleston.net/stories/072703/ter_27charged.shtml

¹⁷⁸ <http://www.washingtonpost.com/wp-dyn/articles/A11413-2004May8.html>

¹⁷⁹ <http://www.globalpolicy.org/empire/un/2004/0524roots.htm>

- August 29, 2003: A bomb explodes at the United Nations headquarters in Baghdad, Iraq. The explosion killed UN representative Sergio Vieira de Mello. Following the attack UN Secretary General Kofi Annan withdraws all UN staff from Iraq.¹⁸⁰
- August 31, 2003: Major General Geoffrey Miller visits Abu Ghraib with the purpose of influencing interrogation tactics there. Miller serves as the head of Guantanamo Bay and shares with Abu Ghraib's Brigade General Janis Karpinski, tactics which have been successful in obtaining useful information, and organizing that information at Guantanamo.¹⁸¹
- August 2003: Yaser Esam Hamdi is transferred from the Navy brig at Norfolk Virginia, to one in Charleston, South Carolina.¹⁸²

September

- September 2003: Two translators and a chaplain are arrested on espionage. The case eventually disintegrates.¹⁸³
- September 3, 2003: Three prisoners at Camp Bucca in Iraq were injured during volunteer cleaning duty. The detainees accidentally set off a cluster bomb and would require their legs to be amputated.¹⁸⁴
- September 6, 2003: Defense Secretary Donald Rumsfeld visits Abu Ghraib prison, where he meets with Brigade General Janis Karpinski. During this time period Rumsfeld expands the aggressiveness of techniques authorized to interrogators.¹⁸⁵
- September 9-19, 2003: Following the visit of Major General Geoffrey Miller to Abu Ghraib, three "Tiger Teams" arrive at the prison to carry out interrogations. Tiger Teams, which have been successful at Guantanamo Bay, consist of an interrogator, analyst, and linguist who conduct interrogations as a team. In an August 2004 report, General George Fay will write that the Tiger Team did not work at Abu Ghraib because the system was not developed to gather tactical intelligence.¹⁸⁶
- September 10, 2003: A team of military lawyers including Colonel Marc Warren, publishes a memo providing new interrogation rules. The paper is titled CJTF-7 Interrogation and Counter Resistance Policy. The memo follows the recommendations of Donald Rumsfeld's April 26, 2003 memo and allows "the use of dogs, stress positions, sleep management, sensory deprivation,... yelling, loud music, and light control."¹⁸⁷
- September 17, 2003: Lt. Col. Steven Jordan is appointed as director of the Joint Interrogation and Debriefing Center at Abu Ghraib prison in Iraq.¹⁸⁸
- September 19, 2003: An interrogation Tiger Team at Abu Ghraib forces a 17 year old Syrian prisoner to strip naked during a late night interrogation.¹⁸⁹

¹⁸⁰ <http://www.iht.com/search/index.php>

¹⁸¹ <http://www.washingtonpost.com/wp-dyn/articles/A11413-2004May8.html>

¹⁸² <http://www.cnn.com/2004/WORLD/meast/10/14/hamdi/>

¹⁸³ <http://english.aljazeera.net/focus/2009/07/20097221092685420.html#2008>

¹⁸⁴ <http://www.antiwar.com/rep/red-cross-report.pdf>

¹⁸⁵

<http://query.nytimes.com/gst/fullpage.html?res=9C0CEFDE1F3CF937A25756C0A9629C8B63&sec=&spon=&pagewanted=all>

¹⁸⁶ <http://www.c-span.org/pdf/armyabughraib.pdf>

¹⁸⁷ <http://www.c-span.org/pdf/armyabughraib.pdf>

¹⁸⁸ <http://www.c-span.org/pdf/armyabughraib.pdf>

¹⁸⁹

[http://www.historycommons.org/timeline.jsp?timeline=torture, rendition, and other abuses against captives in iraq, afghanistan, and elsewhere&startpos=500](http://www.historycommons.org/timeline.jsp?timeline=torture,_rendition,_and_other_abuses_against_captives_in_iraq,_afghanistan,_and_elsewhere&startpos=500)

- September 20, 2003: A mortar attack on Abu Ghraib kills two soldiers and injures 11 soldiers.¹⁹⁰
- September 30, 2003: Camp Cropper prison in Iraq is closed.¹⁹¹
- September 2003: Army Colonel Thomas Pappas informs Army Lt. Colonel Steven Jordan, who serves as a chief interrogator at Abu Ghraib, that the White House wants interrogators to “pull the intelligence out” of the detainees. Jordan is told that senior officials of the executive branch are reading the intelligence reports, and keeping a close watch on information obtained.¹⁹²

October

- October 2003: An International Committee of the Red Cross delegation cuts short its visit to Abu Ghraib due to atrocious conditions found at the prison. The delegation demanded explanation from the prison authorities as to why prisoners were “completely naked in totally empty concrete cells and in total darkness.”¹⁹³
- October 2003: MP Cpl. Charles Graner throws a detainee into a wall at Abu Ghraib. The detainee suffers a 2.5 inch laceration on his chin, requiring 13 stitches.¹⁹⁴
- October 2003: At the request of CIA director George Tenet, Defense Secretary Donald Rumsfeld authorizes that detainee Hiwa Abdul Rahman Rashul be hidden from the Red Cross. Rashul is not given a registration number, and he is kept in secret locations for seven months in an effort to prevent his interrogation from being intervened.¹⁹⁵
- October 1, 2003: Enemy Combatant Yaser Esam Hamdi files a request with the Supreme Court for review of his Habeas Corpus case.
- October 7, 2003: Abu Ghraib detainee Ameen Saeed al-Sheikh is stripped naked and threatened with rape. He explains that “they said we will make you wish to die and it will not happen.”¹⁹⁶
- October 9, 2003: A memo detailing the interrogation rules of engagement is given to all intelligence officers at Abu Ghraib. The memo is signed by each officer and includes techniques such as “the use of yelling, loud music, a reduction of heat in winter and air conditioning in summer, stress positions for as long as 45 minutes every four hours, and dietary manipulation.”¹⁹⁷
- October 9, 2003: The Red Cross warns that the psychological health of the detainees is deteriorating.¹⁹⁸
- October 17, 2003: Discussing Guantanamo Bay, General Geoffrey Miller says “we are developing information of enormous value to the nation, enormously valuable intelligence. We have an enormously thorough process that has very high resolution and clarity... I think of Guantanamo as the interrogation battle lab in the war against terror.”¹⁹⁹

¹⁹⁰ <http://www.c-span.org/pdf/armyabughraib.pdf>

¹⁹¹ <http://www.washingtonpost.com/wp-dyn/articles/A11413-2004May8.html>

¹⁹² http://www.usatoday.com/news/world/iraq/2004-06-17-prison-cover_x.htm

¹⁹³ <http://query.nytimes.com/gst/fullpage.html?res=9C06EEDC133CF932A25756C0A9629C8B63>

¹⁹⁴ http://www.salon.com/news/abu_ghraib/2006/03/14/chapter_1/index.html

¹⁹⁵ <http://www.cbsnews.com/stories/2004/06/21/iraq/main624991.shtml>

¹⁹⁶ <http://www.washingtonpost.com/wp-dyn/articles/A43783-2004May20.html>

¹⁹⁷ <http://www.washingtonpost.com/wp-dyn/articles/A35612-2004Jun11.html>

¹⁹⁸ <http://english.aljazeera.net/focus/2009/07/20097221092685420.html#2008>

¹⁹⁹ <http://www.guardian.co.uk/world/2004/oct/03/bookextracts.usa>

- October 17-22, 2003: Several detainees at Abu Ghraib prison are photographed hand cuffed to their cells, naked with women's underwear over their heads.²⁰⁰
- October 24, 2003: Three detainees at Abu Ghraib are photographed after being stripped naked and bound together by handcuffs. The detainees are suspected of having raped a male teenage detainee. The photos were requested by Staff Sgt. Ivan Fredrick II.²⁰¹ Additional photos are taken the following day, when the same three detainees are once again cuffed naked to each other and forced to simulate sex acts. At least one of the detainees is forced to wear a dog collar and leash during the event.²⁰²
- October 27, 2003: A new detainee at Abu Ghraib is stripped naked and left in an isolation cell for six days upon his arrival at the base. On the ninth day he has his first human interaction when two officers believed to be Spc. Charles Graner and Staff Sgt. Ivan Frederick throw pepper spray in the detainees face, and beat him for a half hour. The detainee is also placed "in the hole," a small lightless isolation closet. It is thought that using these tactics will cause substantial fear and break down the detainee.²⁰³

November

- November 4, 2003: A detainee at Abu Ghraib has electrical wires connected to his fingers, toes, and penis, while his head is covered. The picture of the incident is taken, in which the detainee was forced to stand on a box and told that he would be electrocuted if he fell off that box. Spc. Sabrina Harman and Staff Sgt. Ivan Frederick are in charge of the event.²⁰⁴
- November 7, 2003: Seven Detainees at Abu Ghraib in Cellblock 1A are forced to form a naked human pyramid and are photographed in that position. The incident is supposed to be punishment for a fight among the detainees.²⁰⁵
- November 10, 2003: The US Supreme Court agrees to hear appeals from detainees.²⁰⁶
- November 18, 2003: Six detainees are repatriated to Pakistan. 10 detainees are repatriated to Afghanistan. Three detainees are repatriated to Turkey. One detainee is repatriated to Bosnia. Two detainees are repatriated to unknown countries.²⁰⁷
- November 20, 2003: Trained dogs are brought in to Abu Ghraib prison to be used in interrogations.²⁰⁸
- November 21, 2003: 20 Detainees are repatriated from Guantanamo Bay prison to their home countries. The nations are not specified in the press release of the Defense Department.²⁰⁹
- November 2003: US military officials in Baghdad, Iraq receive memos documenting the recent abuses at Abu Ghraib prison.²¹⁰

²⁰⁰ <http://www.guardian.co.uk/world/2004/oct/03/bookextracts.usa>

²⁰¹ http://www.salon.com/news/abu_ghraib/2006/03/14/chapter_1/index.html

²⁰² <http://www.c-span.org/pdf/armyabughraib.pdf>

²⁰³ <http://www.c-span.org/pdf/armyabughraib.pdf>

²⁰⁴ <http://www.washingtonpost.com/wp-dyn/articles/A46523-2004May21.html>

²⁰⁵

[http://www.historycommons.org/timeline.jsp?startpos=500&timeline=torture, rendition, and other abuses aga inst captives in iraq, afghanistan, and elsewhere](http://www.historycommons.org/timeline.jsp?startpos=500&timeline=torture,_rendition,_and_other_abuses_aga_inst_captives_in_iraq,_afghanistan,_and_elsewhere)

²⁰⁶ <http://english.aljazeera.net/focus/2009/07/20097221092685420.html#2008>

²⁰⁷ <http://english.aljazeera.net/focus/2009/07/20097221092685420.html#2008>

²⁰⁸ <http://www.c-span.org/pdf/armyabughraib.pdf>

²⁰⁹ <http://www.defenselink.mil/releases/release.aspx?releaseid=5810>

²¹⁰ <http://query.nytimes.com/gst/fullpage.html?res=9C0CE3DB1439F93AA25755C0A9629C8B63>

- November 30, 2006: Two detainees are repatriated to Pakistan. Two detainees are transferred to unknown countries.²¹¹

December

- December 3, 2003: David Hicks is the first detainee to be given a lawyer.²¹²
- December 5, 2003: An FBI memo questions interrogation methods used by the Defense Department at Guantanamo Bay. One incident from June 2003 is discussed in the memo. "These tactics have produced no intelligence of a threat neutralization nature to date and CITF believes that techniques have destroyed any chance of prosecuting this detainee. If this detainee is ever released or his story made public in any way, Department of Defense interrogators will not be held accountable because these torture techniques were done by the FBI interrogators. The FBI will be left holding the bag before the public."²¹³
- December 12, 2003: A detainee at Abu Ghraib is photographed during an interrogation. The detainee appears naked in the photo, and is being barked at by multiple dogs. It is learned that the detainee is bitten by one of the dogs.²¹⁴
- December 24, 2003: The US Military issues a letter to the Red Cross stating that the Geneva Conventions do not apply to prisoners being held at Abu Ghraib.²¹⁵
- December 2003: The Ninth circuit Court of Appeals in California issued a ruling that federal courts have jurisdiction to hear prisoner's writs of habeas corpus arguing against detention at Guantanamo Bay.²¹⁶
- December 31, 2003: 83 detainees are transferred out of Guantanamo Bay in 2003.²¹⁷

2004

January

- January 9, 2004: The Supreme Court accepts the habeas corpus case of Yaser Esam Hamdi. Hamdi had been held for nearly two years without having any formal charges brought against him.²¹⁸
- January 12, 2004: Five attorneys are assigned to defend the detainees.²¹⁹
- January 13, 2004: Military Policeman Joseph Darby delivers to the Army's Criminal Investigation Division a CD filled with images of abuse at the Abu Gharib prison.²²⁰
- January 15, 2004: Top US officials including Defense Secretary Donald Rumsfeld are notified about the photographs from Abu Ghraib provided by MP Joseph Darby.
- January 16, 2004: Lt. Gen Ricardo Sanches orders a criminal investigation of incidents of detainee abuse at an unnamed coalition force detention facility. The prison is later determined to be Abu Ghraib.²²¹

²¹¹ <http://english.aljazeera.net/focus/2009/07/20097221092685420.html#2008>

²¹² <http://english.aljazeera.net/focus/2009/07/20097221092685420.html#2008>

²¹³ <http://www.aclu.org/torturefoia/released/FBI.121504.3977.pdf>

²¹⁴ <http://www.c-span.org/pdf/armyabughraib.pdf>

²¹⁵ http://www.abc.net.au/4corners/content/2004/20040607_command/letter_1.htm

²¹⁶ <http://www.hrw.org/english/docs/2004/01/09/usdom6917.htm>

²¹⁷ <http://projects.washingtonpost.com/guantanamo/timeline/>

²¹⁸ <http://www.cnn.com/2004/WORLD/meast/10/14/hamdi/>

²¹⁹ <http://english.aljazeera.net/focus/2009/07/20097221092685420.html#2008>

²²⁰ http://www.newyorker.com/reporting/2007/06/25/070625fa_fact_hersh?printable=true

²²¹ <http://www.msnbc.msn.com/id/3980001/>

- January 17, 2004: Gen. Janis Karpinski is relieved of duty by Lt. Col. Ricardo Sanches. Prior to being relieved, Gen. Karpinski suspends Lt. Col. Jerry Phillabaum and Cpt. Donald Reese.²²²
- January 29, 2004: Three juvenile detainees are released from Guantanamo Bay. Medical examinations performed at Guantanamo Bay confirmed that the detainees were under the age of 16 when captured. According to the Pentagon “every effort was made to provide the juvenile detainees a secure environment free from the influences of the older detainees, as well as providing for their special physical and emotional care. While in detention, these juveniles were provided the opportunity to learn math, as well as reading and writing in their native language.”²²³
- January 29, 2004: To date 87 detainees have been released from Guantanamo Bay.²²⁴
- January 2004: Wazir Muhammad is released from Guantanamo Bay. The detainee was a taxi driver from Afghanistan. “At the end of my time in Guantanamo I had to sign a paper saying I had been captured in battle which was not true. I was stopped when I was in my taxi with four passengers. But they told me I would have to spend the rest of my life in Guantanamo if I did not sign it, so I did.”²²⁵

February

- February 2, 2004: A former US Marine being interviewed during a hearing on the June 2003 death of Najem Sa’doun Hattab at Camp Whitehorse in Iraq states that it was common for forces to “kick and punch prisoners who did not cooperate- and even some who did.”²²⁶
- February 13, 2004: Ahmad Abd al Rahman Ahmad is repatriated to Spain.²²⁷
- February 23, 2004: The Bush administration brings the first charges against detainees. Ali Hamza al-Bahlul from Yemen and Ibrahim al-Qosi from Sudan are charged with conspiracy to commit war crimes.²²⁸
- February 25, 2004: The Department of Defense announces the transfer of one Danish detainee from Guantanamo Bay. The detainee is transferred to the custody of the government of Denmark. It is not clear what the detainees status will be upon transfer.²²⁹
- February 26, 2004: Maj. Gen. Antonio Taguba files a classified report documenting the incidents of abuse performed by the 372 Military Police Company at Abu Ghraib prison. The report submitted by Maj. Gen. Taguba was formally requested by the military.²³⁰
- February 27, 2004: Seven detainees are repatriated to Russia.²³¹

March

- March 2004: Major Jay Hood becomes commander of the Joint Task Force Guantanamo.²³²

²²² <http://www.globalsecurity.org/intell/library/reports/2004/800-mp-bde.htm>

²²³ <http://www.defenselink.mil/releases/release.aspx?releaseid=7041>

²²⁴ <http://www.defenselink.mil/releases/release.aspx?releaseid=7041>

²²⁵ <http://www.guardian.co.uk/afghanistan/story/0,1284,1245236,00.html>

²²⁶ http://www.signonsandiego.com/news/military/20040203-9999_1m3marine.html

²²⁷ <http://english.aljazeera.net/focus/2009/07/20097221092685420.html#2008>

²²⁸ <http://english.aljazeera.net/focus/2009/07/20097221092685420.html#2008>

²²⁹ <http://www.defenselink.mil/releases/release.aspx?releaseid=7090>

²³⁰ <http://www.globalsecurity.org/intell/library/reports/2004/800-mp-bde.htm>

²³¹ <http://english.aljazeera.net/focus/2009/07/20097221092685420.html#2008>

²³² <http://projects.washingtonpost.com/guantanamo/timeline/>

- March 1, 2004: The Department of Defense announced the transfer of seven Russian detainees from Guantanamo Bay. The detainees are transferred to the Russian government for further detention.²³³
- March 7, 2004: Prior to release from Guantanamo Bay, Asif Iqbal of the “Tipton Three” refuses to sign a document put forth by representatives of the British Government. He later recalls “It was along the lines that I was a member of the Taliban and al-Qaeda, however I have since changed. In other words I had changed my mind since I was detained at Guantanamo Bay. It went on to say that if I was suspected of anything at any time by the United States, I could be picked up and returned to Guantanamo Bay.” Iqbal states that he did not believe the officer was being truthful in stating that signing the document was a precondition to his release, so he refused to sign it.²³⁴
- March 8, 2004: A Federal Court denies the appeal of Ali Saleh Kahlah al-Marri to challenge his detention as an enemy combatant in Illinois. Al-Marri wanted the case transferred there from South Carolina because he attended college in Illinois and considers it to be his place of residence when in the US. The court held that the case belongs in South Carolina because al-Marri is being detained in Charleston at the naval base.²³⁵
- March 9, 2004: Five British detainees are released from Guantanamo Bay without charges. The detainees are Jamal Udeen, Tarek Dergoul, Ruhai Ahmed, Asif Iqbal, and Shafiq Rasul.²³⁶
²³⁷
- March 12, 2004: Major General Antonio Taguba presents his report on Abu Ghraib to his superior commanders. The report was formally submitted on March 9, 2004, and was limited to investigating the activity of Military Police (excluding intelligence officers). Congress is not informed of the existence of the report at this time.²³⁸
- March 15, 2004: The Department of Defense released 23 Afghani detainees and 3 Pakistani detainees from Guantanamo Bay. There are approximately 610 detainees remaining at Guantanamo Bay, Cuba.²³⁹
- March 22, 2004: The Pentagon announces the replacement of Major General Geoffrey Miller as the head of Abu Ghraib Prison. The replacement is Brigade General Jay Hood, former commander at Guantanamo Bay prison.²⁴⁰
- March 23, 2004: William Lawson, the uncle of Staff Sgt. Ivan Frederick, provides CBS with photos of the abuses at Abu Ghraib prison. The photos are used in the 60 minutes story on Abu Ghraib, which makes public the many abuses at the base.²⁴¹

April

²³³ <http://www.defenselink.mil/releases/release.aspx?releaseid=7100>

²³⁴ http://www.ccrjustice.org/files/report_tiptonThree.pdf

²³⁵ <http://www.highbeam.com/doc/1P1-91970471.html>

²³⁶ <http://www.commondreams.org/headlines04/0507-05.htm>

²³⁷ <http://www.defenselink.mil/releases/release.aspx?releaseid=7113>

²³⁸ http://www.au.af.mil/au/awc/awcgate/army/052704_taguba.htm

²³⁹ <http://www.defenselink.mil/releases/release.aspx?releaseid=7133>

²⁴⁰ <http://www.defense.gov/releases/release.aspx?releaseid=7152>

²⁴¹

<http://www.nytimes.com/2004/05/08/national/08IMAG.html?ex=1399435200&en=cbb2749be9ed10da&ei=5007&partner=USERLAND>

- April 2004: Three US Army soldiers from a military intelligence unit are fined at least five hundred dollars each, and demoted in rank as a result of their having assaulted a female Iraqi detainee at Abu Ghraib prison.²⁴²
- April 2, 2004: The Department of Defense announces the transfer for release 15 detainees from Guantanamo Bay. The detainees are from several nations and are released to their home nation. These countries include Afghanistan, Turkey, Tajikistan, Sudan, Iraq, Jordan, and Yemen. There are approximately 595 detainees remaining at Guantanamo Bay.²⁴³
- April 9, 2004: In Baghdad, militants kidnapped and later killed a U.S. Businessman. An Islamist website broadcasted a video which showed the victim's decapitation and ended with the appearance of Abu Mus'ab al-Zarqawi's signature and the date 11 may, 2004. Abu Mus'ab al-Zarqawi's Jama'at al-Tawhid wa'al-Jihad claimed responsibility.²⁴⁴
- Near Baghdad, unknown assailants attacked a civilian vehicle and eight U.S. contractors were kidnapped. Five of the abducted were found dead in April 2004. The sixth contractor was found dead on 5 January 2005. On 2 May 2004, in Tikrit, Iraq, the seventh contractor escaped from his captors unharmed. As of 18 March, 2005, the eighth contractor was still missing. No group claimed responsibility.²⁴⁵
- April 20, 2004: The US Supreme Court hears arguments on the detention of individuals in Guantanamo Bay.²⁴⁶
- April 28, 2004: During oral argument before the Supreme Court in the cases of Jose Padilla and Yaser Esam Hamdi, Deputy Solicitor General Paul Clement responds to a question as to how the court can be sure interrogators are not abusing detainees by stating that the court must "trust the executive to make the kind of quintessential military judgments that are involved in things like that."²⁴⁷
- April 28, 2004: CBS "60 Minutes II" airs the Abu Ghraib prison photo's as part of its story on the Abu Ghraib prison abuses. It is reported that President Bush becomes aware of the photographs only upon seeing the 60 Minutes II episode.²⁴⁸
- April 30, 2004: The New Yorker Magazine publishes Seymour Hersh's investigative article on the abuses at Abu Ghraib. The article includes excerpts from General Taguba's report, as well as several photographs of Abu Ghraib abuses.²⁴⁹ Following the article's publication, Undersecretary for Policy Douglas Feith sent an email to Pentagon officials warning not to read the Taguba report and not to discuss the report to any civilians.

May

- May 2004: Opening of Camp 5. JTF declares this to be the first modern state-of-the-art facility in GITMO.²⁵⁰
- May 3, 2004: White House Spokesman Scott McClellan tells reporters that President Bush has not been briefed on the contents of the Taguba report. It is likely that he is unaware of the report's existence.²⁵¹

²⁴² http://www.newyorker.com/archive/2004/05/17/040517fa_fact2

²⁴³ <http://www.defenselink.mil/releases/release.aspx?releaseid=7188>

²⁴⁴ <http://www.army.mil/terrorism/2006-2000/index.html>

²⁴⁵ <http://www.army.mil/terrorism/2006-2000/index.html>

²⁴⁶ <http://projects.washingtonpost.com/guantanamo/timeline/>

²⁴⁷ http://www.humanrightsfirst.org/us_law/PDF/EndingSecretDetentions_web.pdf

²⁴⁸ <http://www.cbsnews.com/stories/2004/04/27/60II/main614063.shtml>

²⁴⁹ http://www.newyorker.com/archive/2004/05/10/040510fa_fact

²⁵⁰ <http://www.jtfgtmo.southcom.mil/index/JTFGBrochurePg3.pdf>

- May 4, 2004: Army Vice Chief of Staff, General George Casey briefs the Senate Armed Services Committee on the abuses at Abu Ghraib. The hearing was held behind closed doors and took place at the request of Committee Chairman John Warner. Following the hearing Senator Joe Biden said “Accountability is essential. So the question for me is, what did Secretary Rumsfeld and others in the Pentagon know, when did they know it, and what did they know about it?... If the answers are unsatisfactory, resignations should be sought.”²⁵²
- May 4, 2004: During a press conference Defense Secretary Donald Rumsfeld responds to a reporter who used the word torture in reference to Abu Ghraib. Rumsfeld’s response was “I’m not a lawyer. My impression is that what has been charged thus far is abuse, which I believe technically is different from torture. I don’t know if it is correct to say..., that torture has taken place, or that there’s been a conviction for torture. And therefore I’m not going to address the torture word.”²⁵³
- May 7, 2004: Pfc. Lynndie England is charged with criminal behavior from her involvement in the abuse at Abu Ghraib. The charges include indecent acts, conspiring to maltreat detainees, and the committing of activities “prejudicial to good order and discipline and were of nature to bring discredit upon the armed forces through her mistreatment of Iraqi detainees.”²⁵⁴
- May 11, 2004: During a Senate committee hearing in which General Taguba discussed his report, Senator James Inhofe of Oklahoma expressed a yet to be heard view. "I'm probably not the only one up at this table that is more outraged by the outrage than we are by the treatment... These prisoners, they're murderers, they're terrorists, they're insurgents... Many of them probably have American blood on their hands. And here we're so concerned about the treatment of those individuals. I am also outraged that we have so many humanitarian do-gooders right now crawling all over these prisons, looking for human rights violations while our troops, our heroes, are fighting and dying.”²⁵⁵
- May 11, 2004: According to an article in the Washington Post, Pentagon documents show that more than 9,000 persons are being detained by the US in overseas prisons.²⁵⁶
- May 12, 2004: Vice Admiral Albert Church III presents the findings of his report investigating prison and interrogation programs at Guantanamo Bay. According to the report there were eight cases of minor mistreatment, such as the unauthorized styling of a detainee’s hair to a Mohawk cut. Church states “There is a very, we have a very professional organization in place. With very detailed and understood roles and responsibilities. Strong leadership, strong chain of command, and a very positive command climate. The directions to the secretary of defense with respect to humane treatment of detainees and the interrogation techniques were being carried out as best we could determine.”²⁵⁷
- May 14, 2004: Former British Guantanamo Bay detainees Shafiq Rasul and Asif Iqbal author a letter to President Bush in which they claim abuse as a regular occurrence at the prison.

²⁵¹ <http://www.defense.gov/transcripts/transcript.aspx?transcriptid=3000>

²⁵² <http://edition.cnn.com/2004/ALLPOLITICS/05/04/congress.abuse/>

²⁵³ <http://www.defenselink.mil/transcripts/transcript.aspx?transcriptid=2973>

²⁵⁴ <http://edition.cnn.com/2004/US/South/05/07/soldier.charged/>

²⁵⁵ <http://www.nytimes.com/2004/05/11/international/middleeast/11CND-ABUS.html?ex=1220846400&en=cd322d3a69b5f53c&ei=5070>

²⁵⁶ <http://www.washingtonpost.com/ac2/wp-dyn/A15981-2004May10?language=printer>

²⁵⁷ <http://www.defense.gov/transcripts/transcript.aspx?transcriptid=3002>

- They claim that female officers would provoke and molest male detainees, “particularly vulnerable prisoners, especially those who had come from the strictest of backgrounds.”²⁵⁸
- May 14, 2004: On May 14, 293 prisoners are released from Abu Ghraib.²⁵⁹ By mid June an additional 1,680 detainees are released. In this one month period approximately half of all detainees at Abu Ghraib are released.
 - May 18, 2004: Sgt. Samuel Provance of the 302nd Military Intelligence Battalion reports to ABC News that he believes the US military has actively worked to cover-up the abuses at Abu Ghraib. “People are either telling themselves or being told to be quiet.” Provance states that most of the actions depicted in the Abu Ghraib photographs were ordered by superiors. “One interrogator told me about how commonly the detainees were stripped naked, and in some occasions, wearing women’s underwear. If it’s your job to strip people naked, yell at them, scream at them, humiliate them, it’s not going to be too hard to move from that to another level.”²⁶⁰ The following day in an interview with the Washington Post, Province says that the highest ranking military intelligence officers stationed at Abu Ghraib were directly involved in the abuses there.²⁶¹
 - May 19, 2004: US soldier Jeremy Sivits pleads guilty to four charges in relation to the abuses at Abu Ghraib. He is sentenced to one year in prison.²⁶²
 - May 21, 2004: Sgt. Samuel Provance is subject to a disciplinary order from battalion commander Lt. Col. James Norwood. The order results from Provance’s May 18 & 19 interviews with media outlets in which he discussed the involvement of high ranking officials in the Abu Ghraib abuses. Provance is transferred to a new platoon, made ineligible for promotions, and has his security clearance stripped.²⁶³
 - May 24, 2004: The Taguba report is delivered to Congress. The report in its entirety is 6,000 pages. The version given to the Senate Armed Services Committee by the Pentagon is missing 2,000 pages.²⁶⁴
 - May 2004: The Pentagon suspends General Janis Karpinski from duty. During an interview with CNN on May 26, Karpinski states that she has not been notified the reason for her suspension and that she was notified of it through the media.²⁶⁵
 - May 2004: Mehdi Ghezali, a Swedish detainee at Guantanamo Bay is subjected to heightened torture in the months prior to his July release. He will later report that during May and June of 2004 he was deprived of sleep and placed in a refrigerator with temperatures below freezing for periods of more than 12 hours at a time.²⁶⁶

June

- June 7, 2004: The Wall Street Journal quotes an unnamed military officer as saying “Methods now used at Guantanamo include limiting prisoner’s food, denying them clothing,

²⁵⁸ <http://www.guardian.co.uk/world/2004/may/14/iraq.guantanamo>

²⁵⁹ <http://www.cnn.com/2004/WORLD/meast/05/14/iraq.abuse/index.html>

²⁶⁰ <http://www.commondreams.org/headlines04/0518-14.htm>

²⁶¹ <http://www.washingtonpost.com/wp-dyn/articles/A41035-2004May19.html>

²⁶² <http://www.nytimes.com/2006/03/23/politics/23abuse.html>

²⁶³ <http://www.commondreams.org/headlines04/0522-06.htm>

²⁶⁴ <http://www.washingtonpost.com/ac2/wp-dyn/A50365-2004May23>

²⁶⁵ <http://edition.cnn.com/2004/WORLD/meast/05/26/iraq.abuse/>

²⁶⁶ <http://www.commondreams.org/headlines04/0714-03.htm>

subjecting them to body-cavity searches, depriving them of sleep for as much as 96 hours and shackling them in so-called stress positions.”²⁶⁷

- June 8, 2004: John Yoo’s August 1, 2002 “torture memo” on Executive power and immunity in dealings with prisoners in the war on terror is leaked to the press. Attorney General John Ashcroft refuses to discuss the memo with the Senate Judiciary Committee, claiming that executive privilege requires certain issues to remain confidential.²⁶⁸
- June 8, 2004: At a villa in northeast Riyadh, Saudi Arabia, five unknown gunmen in a car shot and killed an American citizen that was working as a contractor for the U.S. Army, to train the Saudi National Guard. Al-Qa’ida claimed responsibility.²⁶⁹
- June 10, 2004: In a press conference President Bush rejects the argument that he authorized and approved the use of torture on US detainees. “What I authorized was that we stay within the framework of American law.... We are a nation of laws. We follow the law. We have laws on our books. You could go look at those laws and that should reassure you.”²⁷⁰
- June 12, 2004: In Riyadh, Saudi Arabia, three militants shot and killed an American citizen working in Saudi Arabia as a contractor, as he parked his car in front of his villa. Al-Qa’ida organization claimed responsibility.²⁷¹
- June 12, 2004: In Riyadh, Saudi Arabia, attackers abducted an American contractor. On 19 June 2004, an Islamist website posted pictures of the victim’s decapitated body, which was later found on a street in eastern Riyadh. The al-Qa’ida organization in the Arabian peninsula claimed responsibility.²⁷²
- June 12, 2004: The legal office to the Joint Task Force Guantanamo Bay issues a warning to all personnel at the military base. The warning advises civilian and military workers not to speak with visiting attorneys of detainees. The document states that a failure to cooperate with attorneys representing detainees will not affect their career.²⁷³
- June 21, 2004: In a letter to the Justice Department Republican representative from Virginia, Frank Wolf wrote “I am deeply concerned that this memorandum provides legal justification for the US government to commit cruel, inhumane, and degrading acts, including torture, on prisoners in US custody.”²⁷⁴
- June 22, 2004: Officials of the Justice Department, including Attorney General Alberto Gonzales renounce the August 1, 2002 “torture memo” because it suggested a false understanding that the US government claimed a right to use interrogation techniques in violation of international law. Gonzales called the memo “subject to misinterpretation.”²⁷⁵ In a later interview Gonzales justifies the memo as having been written in light of the US facing “an enemy that lies in the shadows, an enemy that doesn’t sign treaties, they don’t wear uniforms, an enemy that owes no allegiance to any country, they do not cherish life.

²⁶⁷ <http://www.commondreams.org/cgi-bin/print.cgi?file=/headlines04/0607-01.htm>

²⁶⁸ <http://www.washingtonpost.com/wp-dyn/articles/A24867-2004Jun8.html>

²⁶⁹ <http://www.army.mil/terrorism/2006-2000/index.html>

²⁷⁰ <http://georgewbush-whitehouse.archives.gov/news/releases/2004/06/20040610-36.html>

²⁷¹ <http://www.army.mil/terrorism/2006-2000/index.html>

²⁷² <http://www.army.mil/terrorism/2006-2000/index.html>

²⁷³ http://www.usatoday.com/news/washington/2004-06-10-gitmo-gag_x.htm

²⁷⁴ <http://www.msnbc.msn.com/id/5289639/>

²⁷⁵ <http://www.washingtonpost.com/wp-dyn/articles/A60719-2004Jun22.html>

An enemy that doesn't fight, attack, or plan according to accepted laws of war, in particular Geneva Conventions."²⁷⁶

- June 25, 2004: A heavily redacted and urgent report directed to FBI Director Robert Mueller III, states that an unidentified officer has "observed numerous physical abuse incidents of Iraqi civilian detainees in Iraq." Abuses reported in the memo include "strangulation, beatings, placement of lit cigarettes into the detainees ear openings, and unauthorized interrogations."²⁷⁷
- June 28, 2004: The Supreme Court issues its ruling in the case *Rasul v. Bush*. The court determines that US exercises "complete jurisdiction and control" over Guantanamo Bay, and therefore detainees have the right to challenge their detention before a judge. In the majority opinion Justice John Stevens writes "aliens held at the base, no less than American citizens, are entitled to invoke the federal courts' authority."²⁷⁸
- June 28, 2004: The Supreme Court issues its ruling in the case *Hamdi v. Rumsfeld*. The court found that Yaser Hamdi, a US citizen being detained within the US, cannot be imprisoned indefinitely and is entitled to challenge his detention. "A citizen detainee... must receive notice of the factual basis for his classification, and a fair opportunity to rebut the Government's factual assertions before a neutral decision maker."²⁷⁹
- June 2004: Four months after being repatriated from detainment at Guantanamo Bay for further imprisonment in Russia, Russia releases the prisoners without a trial or legal proceeding.²⁸⁰

July

- July 7, 2004: Deputy Secretary of Defense Paul Wolfowitz signs an order forming the Combatant Status Review Tribunal at Guantanamo Bay. The CSRT is formed as a result of the June 28, 2004 Supreme Court rulings, and the tribunals will review evidence on each Guantanamo detainee to determine their status as an unlawful enemy combatant.²⁸¹ The definition of unlawful combatant is "Any individual who was part of supporting Taliban or al-Qaeda forces or was associated with forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who has committed belligerent acts or directly supported hostilities in aid of enemy armed forces."²⁸² According to the memo "The Tribunal is not bound by the rules of evidence such as would apply in a court of law. Instead the tribunal shall be free to consider any information it deems relevant and helpful to a resolution of the issue before it. At the discretion of the Tribunal, for example, it may consider hearsay evidence, taking into account the reliability of such evidence in the circumstances."^{283 284}
- July 7, 2004: Navy General Counsel Alberto Mora writes an unclassified memo to Vice Admiral Albert Church documenting events and arguments which have lead Mora to strongly disagree with the legal justification provided by the Bush administration to justify

²⁷⁶ <http://www.america.gov/st/washfile-english/2004/June/20040623203050cpataruk0.1224024.html>

²⁷⁷ http://www.aclu.org/torturefoia/released/FBI.121504.4910_4912.pdf

²⁷⁸ <http://supct.law.cornell.edu/supct/pdf/03-334P.ZO>

²⁷⁹ <http://supct.law.cornell.edu/supct/pdf/03-334P.ZO>

²⁸⁰ <http://news.bbc.co.uk/1/hi/world/americas/3929535.stm>

²⁸¹ <http://www.pentagon.mil/news/Jul2004/d20040707review.pdf>

²⁸² <http://query.nytimes.com/gst/fullpage.html?res=9B05EFD153EF937A1575BC0A9629C8B63>

²⁸³ <http://www.pentagon.mil/news/Jul2004/d20040707review.pdf>

²⁸⁴ <http://www.defense.gov/releases/release.aspx?releaseid=7525>

wire-tapping, torture and other practices. Albert Church, the recipient of the letter led a Pentagon investigation of abuses at Guantanamo Bay. Mora wrote "If cruelty is no longer declared unlawful, but instead is applied as a matter of policy, it alters the fundamental relationship of man to government. It destroys the whole notion of individual rights. The Constitution recognizes that man has an inherent right, not bestowed by the state or laws, to personal dignity, including the right to be free of cruelty. It applies to all human beings, not just in America-even those designated as unlawful enemy combatants. If you make this exception the whole constitution crumbles."^{285 286}

- July 8, 2004: Swedish detainee Mehdi Ghezali is released from Guantanamo Bay after having been detained there since January 2002. At age 25, Ghezali was captured in Pakistan where he was studying Islam. Ghezali reports having been interrogated for more than 12 hours on end inside a refrigeration room within which temperatures were set to negative degrees. Ghezali was also chained for long periods in stress positions, and exposed to loud music and flashes of bright lights.²⁸⁷ Ghezali reports that he has permanently lost feeling in his left foot due to excessively tight ankle chains.²⁸⁸
<http://www.defenselink.mil/releases/release.aspx?releaseid=7532>
- July 13, 2004: Hamed Abderrahman Ahmed, age 29 is released from a Spanish prison on bail after having spent 4 months there following release from Guantanamo Bay. Ahmed had spent two years at Guantanamo prior to his transferred release.²⁸⁹
- July 19, 2004: Huda al-Azzawi, the last female detainee being held at Abu Ghraib is released. She reports a sudden change in treatment during her final weeks at the prison. During this time she was visited by doctors, had female guards, and was given shower access.²⁹⁰
- July 22, 2004: Lt. Gen. Paul Mikolashek, the US Army inspector general delivers a 300 page report on prisoner abuse to the Senate Armed Services Committee. The report cites 94 cases of abuse, including 39 deaths. It is also showed that private contractors were hired to conduct interrogations. No US facility passed the Army's medical screening requirements. At Abu Ghraib more than 600 detainees were limited to use of 12 showers.²⁹¹
- July 25, 2004: Ahmed Khalfan Ghailani, a well connected al-Qaeda operative from Tanzania is captured in Gujrat, Pakistan. It is thought that Ghailani played a major role in the 1998 bombings of US embassies in East Africa. The Pakistani Interior Minister Faisal Hayat announces the capture 4 days later, shortly before US Senator John Kerry accepts the nomination for the Presidential Candidacy on behalf of the Democratic Party.^{292 293}
- July 27, 2004: The Defense Department issues a press release stating that approximately 590 detainees are being held at Guantanamo Bay. In November 2003, there had been 660 detainees there.²⁹⁴

²⁸⁵ <http://www.newyorker.com/images/pdf/2006/02/27/moramemo.pdf>

²⁸⁶ http://www.newyorker.com/archive/2006/02/27/060227fa_fact?currentPage=all

²⁸⁷ <http://www.commondreams.org/headlines04/0714-03.htm>

²⁸⁸ http://www.news24.com/News24/World/News/0,,2-10-1462_1557381,00.html

²⁸⁹ <http://news.bbc.co.uk/1/hi/world/americas/3929535.stm>

²⁹⁰ <http://www.guardian.co.uk/world/2004/sep/20/usa.iraq>

²⁹¹ <http://www.washingtonpost.com/wp-dyn/articles/A7124-2004Jul22.html>

²⁹² <http://www.cnn.com/2004/WORLD/asiapcf/07/29/pakistan.alqaeda.capture/index.html>

²⁹³ http://dir.salon.com/story/news/feature/2004/08/17/pakistan_terrorism/index.html

²⁹⁴ <http://www.defense.gov/releases/release.aspx?releaseid=7579>

- July 27, 2004: Four French detainees are released from Guantanamo Bay. They are transferred to the French government, without being charged with a crime.²⁹⁵ The detainees names are not announced by the US, but it is later determined tha they are Mourad Benchellali, Imad Kanouni, Nizar Sassi, and Brahim Yadel.²⁹⁶
- July 30, 2004: The first Combatant Status Review Tribunal takes place at Guantanamo Bay. The hearings are conducted by three military officers, and defendant prisoners are not required to be present during the hearings although the burden of proof resides in the defendant.²⁹⁷
- July 2004: Army Brigade General Charles Jacoby Jr. files a classified report on the US prisons in Afghanistan. The study is ordered in reaction to the complaints of Abu Ghraib and other Iraq prisons. Jacoby finds that rectal examinations are being conducted erroneously and for the purported purpose of searching for contraband. As an alternative he suggests that magnetic wands could be used to conduct the search. No substantial abuse is cited.²⁹⁸
- July 2004: At the US prison facility at Bagram, Afghanistan, a cd is found containing images of masked soldiers in uniform holding M-4 rifles and 9mm guns to the heads of handcuffed and blindfolded detainees. Soldiers tell the Army investigation that many similar photos were destroyed after the Abu Ghraib scandal became public.²⁹⁹

August

- August 2004: Camp Echo opens.³⁰⁰
- August 2, 2004: A Department of Defense press release announces that 5 Moroccan detainees are being released for transfer from Guantanamo Bay to the government of Morocco. Following the release there are an estimated 585 detainees at Guantanamo Bay.³⁰¹
- August 4, 2004: A BBC report estimates that 5,000 prisoners are being held at Abu Ghraib prison.³⁰²
- August 13, 2004: Detainee review tribunals begin.³⁰³
- August 23, 2004: To date 14 Combatant Status Review Tribunals have completed at Guantanamo Bay. In all 14 cases the tribunal has designated the detainees as enemy combatants. Of the 31 tribunals which have started or completed, 12 prisoners have opted not to actively participate in the process.³⁰⁴
- August 24, 2004: The Washington Post reports that an unnamed Army officer explained that story behind an Abu Ghraib photograph in which two teenage detainees are being threatened with vicious dogs. According to the officer, the dogs were not being used in connection with an interrogation and was a contest between Military Police to see which detainee would urinate themselves first.³⁰⁵

²⁹⁵ <http://www.defenselink.mil/releases/release.aspx?releaseid=7579>

²⁹⁶ <http://news.bbc.co.uk/2/hi/americas/3929535.stm>

²⁹⁷ <http://query.nytimes.com/gst/fullpage.html?res=9B05EFDf153EF937A1575BC0A9629C8B63>

²⁹⁸ <http://www.washingtonpost.com/wp-dyn/articles/A29824-2004Dec2.html>

²⁹⁹ http://www.aclu.org/torturefoia/released/021605/6580_6653.pdf

³⁰⁰ <http://www.jtfgtmo.southcom.mil/index/JTFGBrochurePg3.pdf>

³⁰¹ <http://www.defenselink.mil/releases/release.aspx?releaseid=7598>

³⁰² <http://news.bbc.co.uk/2/hi/americas/3747005.stm>

³⁰³ <http://english.aljazeera.net/focus/2009/07/20097221092685420.html#2008>

³⁰⁴ <http://query.nytimes.com/gst/fullpage.html?res=9B05EFDf153EF937A1575BC0A9629C8B63>

³⁰⁵ <http://www.washingtonpost.com/wp-dyn/articles/A27048-2004Aug23.html>

- August 24, 2004: The five-member military commission hearing for Guantanamo detainee Salim Ahmed Hamdan, begins its hearings. Hamden is accused of being a member of al-Qaeda who conspired to commit acts of terrorism and destruction of property. Hamdan's military attorney, Navy Lt. Cmdr. Charles Swift starts his argument by challenging the qualifications of the commission to fairly judge the case. Swift asks Lt. Col. Curt S. Cooper, an alternate to the panel of judges if he knows what the Geneva Convention is. Cooper answers "Not specifically, No, Sir. And that's being honest." Cooper tells Swift he knows there are three articles, but in fact he is wrong and there are six articles to the Geneva Conventions.³⁰⁶
- August 24, 2004: The Schlesinger Panel, a four-member panel initiated to review the Department of Defense detention operations completes its report on prisoner abuses. Panel members James Schlesinger, Harold Brown, Tillie Fowler, and Gen. Charles Horner found that errors in the chain of command up to Defense Secretary Donald Rumsfeld, helped lead to abuse of prisoners at US bases. The report and panel were ordered by Rumsfeld to investigate the abuses. The panel recommended against the removal of Secretary Rumsfeld from his post. Among its findings, the panel felt that multiple authorizations from Rumsfeld regarding interrogation policies at various prisons created uncertainty as to which policy was in effect when and where. The panel also found that the approved interrogation methods at Guantanamo and Afghanistan prisons were lawful, and that they need not apply to the Third Geneva Convention.³⁰⁷
- August 25, 2004: The Fay report is released. The military report ordered by Lt. Gen. Ricardo Sanchez and written by Generals George Fay and Anthony Jones investigated the abuses at Abu Ghraib.³⁰⁸ The report is heavily criticized as providing a cover-up of the knowledge of abuse at high levels within the chain of command. The report cites 50 people being involved in 44 incidents of abuse. Of the 50 people, 27 were military intelligence officers, 10 were Military Police, and several others were civilian contractors.³⁰⁹
- August 30, 2004: CCR attorney is the first civilian attorney to meet with the detainees at GITMO.³¹⁰

September

- September 8, 2004: At Guantanamo Bay 55 Combatant Status Review Tribunals have been initiated. 30 of these tribunals have completed, resulting in 29 designations of detainees as enemy combatants, and 1 detainee determined eligible for release due to a lack of evidence.³¹¹
- September 11, 2004: Military Specialist Armin Cruz pleads guilty to two charges relating to the abuses at Abu Ghraib. He is demoted, discharged and sentenced to a prison term of 8 months.³¹² The report suggests that the abuses were not typically related to interrogations and resulted from "confusion and misunderstanding between Military Police and Military

³⁰⁶ <http://www.christusrex.org/www1/news/lat-8-25-04a.html>

³⁰⁷ <http://query.nytimes.com/gst/fullpage.html?res=9B00E7DA123EF936A1575BC0A9629C8B63>

³⁰⁸ <http://www.globalsecurity.org/intell/library/reports/2004/800-mp-bde.htm>

³⁰⁹ <http://www.washingtonpost.com/wp-dyn/articles/A33789-2004Aug25.html>

³¹⁰ <http://projects.washingtonpost.com/guantanamo/timeline/>

³¹¹

http://www.boston.com/news/nation/articles/2004/09/09/tribunal_orders_that_guantanamo_detainee_be_free_d/

³¹² <http://www.nytimes.com/2006/03/23/politics/23abuse.html>

Intelligence.” In an effort to follow Military Intelligence orders to use sleep adjustment tactics “The MPs used their own judgment as to how to keep them awake. Those techniques included taking the detainees out of their cells, stripping them, and giving them cold showers. Cpt. Carolyn Wood stated she did not know this was going on and thought the detainees were being kept awake by the MPs banging on the cell doors, yelling, and playing loud music.”³¹³

- September 15, 2004: Federal Judge Alvin Hellerstein issues a court order compelling the CIA to produce or identify all records of detainee treatment at US prisons since 9/11/2001. The order is in response to a Freedom of Information Act suit filed by the American Civil Liberties Union. Hellerstein rules that documents must be produced, or identified to him in a log for which he may review and compel further production. In December 2007, it is discovered that the CIA did not disclose the existence of videotaped interrogations which were destroyed sometime after Hellerstein issued his order.³¹⁴
- September 18, 2004: The Department of Defense issues a press release that 35 Guantanamo Bay detainees have been transferred to Pakistan. 29 of the detainees remain in detention under the supervision of the Pakistani government, and the other 6 are released to freedom. Approximately 550 detainees remain at Guantanamo Bay.³¹⁵
- September 22, 2004: The Department of Defense announces the transfer of 11 Guantanamo Bay detainees to Afghanistan.³¹⁶
- September 22, 2004: The Department of Defense announces that 11 detainees have been transferred from Afghanistan to Guantanamo Bay. There are 549 detainees at Guantanamo Bay.³¹⁷
- September 24, 2004: Portor Goss is sworn in as the new CIA director. He replaces George Tenet, and the interim director John McLaughlin. Goss began his career as a CIA field agent, and later served as a Republican Representative. Goss participated in secret meetings with Mahmood Ahmed, the Pakistani ISI director prior to and on the morning of 9/11, 2001. Mahmood Ahmed has been alleged as having communicated with hijacker Mohamed Atta, but the extent of Goss’ relationship and knowledge of these events is undetermined.³¹⁸

October

- October 1, 2004: US Senator and ranking Democrat on the Senate Judiciary Committee, Patrick Leahy issues a statement in which he strongly criticizes the Bush administration for attempting to block a full understanding of the abuses toward detainees at various military prisons. Notably he targets that each of the recent reports issued by the executive branch have been limited in their scope of research. The Schlesinger panel could not investigate the CIA, and the Fay report was limited to investigating military intelligence units. Where branches interacted with each other, information was purposefully omitted or removed.

³¹³ <http://www.globalsecurity.org/intell/library/reports/2004/800-mp-bde.htm>

³¹⁴ <http://www.nytimes.com/2007/12/13/washington/13intel.html?adxnnl=1&adxnnlx=1220882919-QEFUusLRF8coqpB2e8lvvg>

³¹⁵ <http://www.defenselink.mil/releases/release.aspx?releaseid=7753>

³¹⁶ <http://www.defenselink.mil/releases/release.aspx?releaseid=7761>

³¹⁷ <http://www.defenselink.mil/releases/release.aspx?releaseid=7765>

³¹⁸ <http://timesofindia.indiatimes.com/articleshow/msid-809840,curpg-1.cms>

“Dr. Schlesinger sounded more like an Administration official than an independent investigator.”³¹⁹

- October 4, 2004: The US Supreme Court declines to hear the appeal of Ali Saleh Kahlah al-Marri to dispute his status as an enemy combatant.³²⁰
- October 10, 2004: Former US detainee and enemy combatant Yaser Esam Hamdi is returned to Saudi Arabia. Hamdi was born in Baton Rouge, Louisiana but considers Saudi Arabia his homeland. In exchange for release Hamdi agreed to renounce his US citizenship and is barred from traveling to Afghanistan, Iraq, Israel, Pakistan, Syria, and the Palestinian West Bank or Gaza territories.³²¹
- October 14, 2004: The US military completes the Army Criminal Investigation into the deaths of Mullah Habibullah, and Dilawar. Both detainees died at the Bagram base in Afghanistan in December of 2002. The investigation determines that 28 military officers were involved.³²²
- October 20, 2004: US District Court Judge Colleen Kollar-Kotelly ruled that detainees at Guantanamo bay must be provided the opportunity to meet and talk to their attorneys without the Government monitoring the conversations.³²³
- October 21, 2004: Staff Sergeant Ivan Frederick pleads guilty to eight charges stemming from the detainee abuses at Abu Ghraib. Frederick is demoted, agrees to forfeit his pay, and receives a prison term of eight years.³²⁴ During the hearing, Frederick told the judge that he did not think to report the abuses because “I didn’t think anyone cared about what happened to detainees as long as they didn’t die,” and that he was “afraid of retaliation by other soldiers. We all walked around with loaded weapons. It was very high stress.”³²⁵
- October 23, 2004: Army Maj. Gen. John Alternburg Jr. dismisses 3 of the 6 officers serving on the military commission to try enemy combatants at Guantanamo Bay. The removal is in response to complaints of a lack of neutrality from the judges. The prior decisions remain in place despite the removal.³²⁶
- October 27, 2004: Four former British detainees sue the US government over there detention seeking damages.³²⁷
- October 30, 2004: Military Specialist Megan Ambuhl plead guilty to one charge stemming from the abuses at Abu Ghraib. She receives a demotion.³²⁸

November

- November 2, 2004: President Bush is reelected as President of the United States of America by defeating US Senator John Kerry.³²⁹

³¹⁹ <http://leahy.senate.gov/press/200410/100104C.html>

³²⁰ http://www.usatoday.com/news/washington/judicial/2004-10-04-court-terrorism_x.htm

³²¹ <http://www.cnn.com/2004/WORLD/meast/10/14/hamdi/>

³²² <http://www.nytimes.com/2004/10/15/politics/15abuse.html>

³²³ <http://articles.latimes.com/2004/oct/21/nation/na-gitmo21of>

³²⁴ <http://www.nytimes.com/2006/03/23/politics/23abuse.html>

³²⁵ <http://articles.latimes.com/2004/oct/21/world/fg-abughraib21>

³²⁶ <http://www.christusrex.org/www1/news/lat-8-25-04a.html>

³²⁷ <http://english.aljazeera.net/focus/2009/07/20097221092685420.html#2008>

³²⁸ <http://www.nytimes.com/2006/03/23/politics/23abuse.html>

³²⁹ <http://www.cnn.com/ELECTION/2004/>

- November 7, 2004: According to a Los Angeles Times article, the Combatant Status Review Tribunals at Guantanamo bay have tried 104 cases. 103 of these cases have resulted in finding the detainees are enemy combatants.³³⁰
- November 8, 2004: US District Judge James Robertson issues a ruling that the Combatant Status Review Tribunal at Guantanamo Bay is unlawful as a way to determine enemy combatant status. The ruling is in relation to the case of Salim Ahmed Hamdan. The Tribunals are ordered to stop until revisions are made to the process. According to Judge Robertson, the prisoners at Guantanamo Bay may be to currently unavailable protections international and military law in accordance with the Geneva Conventions.³³¹
- November 10, 2004: President Bush appoints White House Counsel Alberto Gonzales as the new Attorney General to replace John Ashcroft.³³²
- November 24, 2004: The Department of Defense announces that Maj. Gen. Geoffrey Miller is reassigned as Assistant Chief of Staff for Installation Management. He formerly served as the head of US prisons in Iraq. He is replaced at his old post by Maj. Gen. William Brandenburg.³³³

December

- December 2004: Secretary of Defense Donald Rumsfeld visits Afghanistan and negotiates with Afghan President Hamid Karzai. The negotiation results in 9 permanent US military bases in Afghanistan to be located in the provinces of Balkh, Helmand, Herat, Khost, Nimroz, and Paktia.³³⁴
- December 2, 2004: During a hearing before US District Judge Richard Leon looking into the validity of the military's Combatant Status Review Tribunal process, Principal Deputy Associate Attorney General Brian Boyle argued that detainees at Guantanamo bay "have no constitutional rights enforceable in this court." When asked if evidence obtained by torture was admissible in the hearings, Boyle argued that "nothing in the due process clause prohibits them from relying on it."³³⁵
- December 31, 2004: 114 detainees were transferred out of GITMO during 2004.³³⁶

2005

January

- January 6, 2005: White House Counsel and nominee for the position of Attorney General, Alberto Gonzales appears before the Senate Judiciary Committee for questioning during his confirmation hearing. Gonzales responded to questions with vague answers. An example of his occurred when Senator Patrick Leahy asked if he agreed with the OLC definitions of torture requiring "pain accompanying serious physical injury, such as organ failure, impairment of bodily function or even death." Gonzales responded "I don't recall today whether or not I was in agreement with all of the analysis. But I don't have a disagreement

³³⁰ <http://www.commondreams.org/headlines04/1107-04.htm>

³³¹ <http://www.washingtonpost.com/wp-dyn/articles/A34519-2004Nov8.html>

³³² http://www.bloomberg.com/apps/news?pid=10000103&sid=ac1IGt_j8Afo&refer=us

³³³ <http://www.cnn.com/ELECTION/2004/>

³³⁴ http://www.atimes.com/atimes/Central_Asia/GC30Ag01.html

³³⁵ <http://www.washingtonpost.com/wp-dyn/articles/A29738-2004Dec2.html>

³³⁶ <http://projects.washingtonpost.com/guantanamo/timeline/>

- with the conclusions then reached by the department.”³³⁷ Gonzales disclosed to the Judiciary Committee that the White House has discussed rewriting the Geneva Conventions for a post 2001 world in which prisoners of war do not belong to nation states.”³³⁸
- January 6, 2005: An Egyptian detainee at Guantanamo Bay, Mamdouh Habib, files a petition to prevent his transfer back to Egypt. Habib claims that before he came to the U.S. in 2001, he was tortured for nearly six months by the Egyptian government.³³⁹
 - January 12, 2005: The Department of Defense announces the release of five detainees from Guantanamo Bay Prison. Feroz Abbasi, Moazzam Begg, Jamaal Belmar and Martin Mubanga are released to Great Britain, and Mamdouh Habib is released to Australia.³⁴⁰
 - January 15, 2005: Military Specialist Charles Graner is found guilty of multiple charges stemming from his involvement in the abuses at Abu Ghraib. Graner is demoted, dishonorably discharged, and receives a prison sentence of ten years.³⁴¹
 - January 16, 2005: The Defense Department announced the transfer of one detainee from Guantanamo Bay to Kuwait. The detainee will be prosecuted upon transfer. According to the release document 203 detainees have been released from Guantanamo Bay, and approximately 550 detainees remain there.³⁴²
 - January 18, 2005: White House counsel Alberto Gonzales says that the CIA and other nonmilitary personnel are not bound by a 2002 presidential directive that pledged the humane treatment of prisoners in American custody. Gonzales also claims that a Congressional ban on cruel, unusual treatment had a "limited reach" and did not apply in all cases to "aliens overseas."³⁴³
 - January 20, 2005: US Federal District Judge Richard Leon dismisses the cases of seven Guantanamo Bay detainees who filed suits to challenge the legality of their detention. Judge Leon found that non-US citizen detainees who were captured abroad had no rights to access US courts. "To the extent that these non-resident detainees have rights, they are subject to both the military review process already in place and the laws Congress has passed defining the appropriate scope of military conduct towards the detainees."³⁴⁴
 - January 25, 2005: The Department of Defense announces the transfer of four British detainees from Guantanamo Bay to the custody of the United Kingdom.³⁴⁵
 - January 25, 2005: Newly released Guantanamo detainees from Great Britain, Moazzam Begg, Feroz Abbasi, Martin Mubanga, and Richard Belmar are released from British custody. The four detainees had spent 3 years in detainment at Guantanamo Bay.³⁴⁶
 - January 31, 2005: US Federal District Judge Joyce Hens Green rules that Guantanamo Bay detainees have a right to access US courts to argue against unlawful detainment. The decision runs contrary to the January 20 ruling of US Federal District Judge Richard Leon. Judge Hens Green wrote "Although this nation unquestionably must take strong action

³³⁷ <http://www.cnn.com/2005/ALLPOLITICS/01/06/gonzales.hearing/>

³³⁸ <http://www.commondreams.org/headlines05/0107-08.htm>

³³⁹ <http://motherjones.com/politics/2004/10/war-terror-timeline>

³⁴⁰ http://www.nytimes.com/2005/01/12/international/europe/12britain.html?_r=1&oref=slogin

³⁴¹ <http://www.nytimes.com/2006/03/23/politics/23abuse.html>

³⁴² <http://www.defenselink.mil/releases/release.aspx?releaseid=8133>

³⁴³ http://www.nytimes.com/2005/01/19/politics/19gonzales.html?_r=1&ex=1263877200&en=50d198c2bfe6a489&ei=5090&partner=rssuserland

³⁴⁴ <http://www.abc.net.au/news/newsitems/200501/s1285472.htm>

³⁴⁵ <http://www.defenselink.mil/releases/release.aspx?releaseid=8154>

³⁴⁶ <http://www.guardian.co.uk/uk/2005/jan/26/terrorism.world>

under the leadership of the commander in chief to protect itself against enormous and unprecedented threats, that necessity cannot negate the existence of the most basic fundamental rights for which the people of this country have fought and died for well over two hundred years.”³⁴⁷

February

- February 1, 2005: Military Specialist Roman Krol pleads guilty to two charges of abuse at Abu Ghraib. He receives a prison sentence of ten months.³⁴⁸
- February 4, 2005: Sergeant Javal Davis pleads guilty to three charges of abuse at Abu Ghraib prison. Davis is demoted, discharged, and sentenced to six months in prison.³⁴⁹
- February 4, 2005: Daniel Levin, the acting chief of the Office of Legal Counsel writes a memo to Defense Department Chief Counsel William J. Haynes, informing Haynes that the 2003 “torture memo” is being withdrawn as official policy. Levin underwent water boarding to determine its status as torture. He determined that it is torture, the experience contributed to the withdrawing of the memo.³⁵⁰

March

- March 1, 2005: US Federal District Judge Henry Floyd issued a ruling in the pending case of Jose Padilla, that the government must either release or charge Padilla with a crime within 45 days. Padilla has been in detainment for 2 ½ years without being charged with a crime. Judge Floyd wrote “His alleged terrorist plans were thwarted at the time of his arrest. There were no impediments whatsoever to the government bringing charges against him for any one or all of the array of heinous crimes that he has been effectively accused of committing... Since alleged terrorist plans were thwarted when he was arrested on the material witness warrant, the court finds that the president’s subsequent to detain as an enemy combatant was neither necessary nor appropriate.”³⁵¹
- March 7, 2005: The Department of Defense announced the transfer of three detainees from Guantanamo Bay to France. The detainees are to be prosecuted by the French government. According to the release 540 detainees remain in custody at Guantanamo Bay.³⁵²
- March 25, 2005: The Department of Defense announced the transfer of three detainees from Guantanamo Bay to Afghanistan, Maldives, and Pakistan. The detainees are released to freedom.³⁵³
- March 29, 2005: The CSRT process is complete. 558 detainees completed the process. 38 are declared to no longer be considered enemy combatants and are thus eligible for release.³⁵⁴

April

- April 19, 2005: The Department of Defense announced the transfer of 17 detainees from Guantanamo Bay to Afghanistan for release. One detainee was transferred to Turkey for release.³⁵⁵

³⁴⁷ <http://www.washingtonpost.com/wp-dyn/articles/A51007-2005Jan31.html?sub=AR>

³⁴⁸ <http://www.nytimes.com/2006/03/23/politics/23abuse.html>

³⁴⁹ <http://www.nytimes.com/2006/03/23/politics/23abuse.html>

³⁵⁰ http://www.aclu.org/images/torture/asset_upload_file344_29939.pdf

³⁵¹ <http://edition.cnn.com/2005/LAW/03/01/padilla.ruling/index.html>

³⁵² <http://www.defenselink.mil/releases/release.aspx?releaseid=8293>

³⁵³ <http://www.defenselink.mil/releases/release.aspx?releaseid=8305>

³⁵⁴ <http://www.defenselink.mil/news/Mar2005/d20050329csrt.pdf>

- April 19, 2005: The Associated Press files suit against the Department of Defense seeking documents related to the detainees.³⁵⁶

May

- May 2005: Riots break out internationally over alleged abuse of the Koran.³⁵⁷
- May 2, 2005: Pakistani authorities arrest senior Al-Qaeda leader Abu Faraj al-Libbi. Al-Libbi is immediately transferred to the custody of the United States. According to the Bush administration al-Libbi is the third most senior Al-Qaeda leader, and his arrest is a major victory. European experts on terrorism dispute the importance of Al-Libbi whose name has never appeared on the FBI's most wanted list.³⁵⁸
- May 19, 2005: Military Specialist Sabrina Harman is found guilty of three charges of abuse at Abu Ghraib. She is discharged from the military and receives a prison sentence of six months.³⁵⁹
- May 20, 2005: Associated Press lawsuit leads to the release of over 2,000 pages of government documents related to Guantanamo Bay and the detainees. However, important information such as names and dates and key facts are redacted.³⁶⁰

June

- June 24, 2005: Using Dick Cheney's Vice Presidential Jet, a group of retired military officials now serving as "military analysts" for news television programs were flown to Guantanamo Bay for a specially organized tour of the base. According to the NY Times, "most of the analysts have ties to military contractors vested in the very war policies they are asked to assess on air... the men on the plane and several other military analysts represent more than 150 military contractors either as lobbyists, senior executives, board members or consultants." Over the coming months 7 groups of military analysts were flown to Guantanamo Bay to view staged interrogations, tour the facility and dine with top military and administration officials. Robert S. Bevelacqua, a former Green Beret and Fox News analyst said the program was like the administration saying "we need to stick our hands up your back and move your mouth for you." The program was meant to combat growing discontent among the American public regarding the operations of the US operated detention facilities in the war on terror. In reality the program resulted in presenting agenda biased material under the guise of complete objectivity.³⁶¹
- June 24, 2005: Donald Sheppard, a military analyst for CNN is interviewed hours after touring Guantanamo Bay. Sheppard reports "The impressions that you're getting from the media and from the various pronouncements being made by people who have not been here, in my opinion, are totally false. What we're seeing is a modern prison system of dedicated people, interrogators and analysts that know what they are doing. And people being very, very well-treated. We've had a chance to tour the facility, to talk to the guards, to talk to the interrogators and analysts. We've had a chance to eat what the prisoners eat. We've seen people being interrogated. And it's nothing like the impression that we're

³⁵⁵ <http://www.defenselink.mil/releases/release.aspx?releaseid=8403>

³⁵⁶ <http://english.aljazeera.net/focus/2009/07/20097221092685420.html#2008>

³⁵⁷ <http://www.washingtonpost.com/wp-dyn/content/article/2005/05/27/AR2005052701521.html>

³⁵⁸ <http://www.nytimes.com/2005/05/05/international/asia/05pakistan.html>

³⁵⁹ <http://www.nytimes.com/2006/03/23/politics/23abuse.html>

³⁶⁰ <http://english.aljazeera.net/focus/2009/07/20097221092685420.html#2008>

³⁶¹ <http://www.nytimes.com/2008/04/20/washington/20generals.html>

- getting from the media... (in the interrogations) they're basically asking questions. They just ask the same questions over a long period of time. They get information about the person's family, where they're from, other people they knew. All the type of things that you would want in any kind of criminal investigation...There was laughing in two of them ." ³⁶²
- June 27, 2005: Gordon Cucullu, a former Green Beret who is participating in the Pentagon military analyst program sends an email to Pentagon official Dallas Lawrence, informing him that he successfully hit the Pentagon's talking points that morning on "Fox and Friends." The email noted that he successfully emphasized that he saw no torture of detainees, that detainees regularly abuse soldiers, and that important intelligence continues to immerge from interrogations. ³⁶³

July

- July 7, 2005: On 7 July 2005, between 8:50 AM and 8:56 AM, in London, England, United Kingdom, three suicide bombers each detonated a backpack-concealed improvised explosive device (IED) at a different point along the city's commuter rail transit system (between Kings Cross Station and Russell Square Station, between Liverpool Street Station and Aldgate Station on the Piccadilly line, and between Edgware Road Station and Paddington Station on the Circle line). At 9:47 AM, a fourth suicide bomber detonated a backpack-concealed improvised explosive device (IED) on a double-decker bus. The attacks killed 52 civilians (40 UK nationals; 3 Polish nationals; 1 Australian national; 1 Israeli national; 1 US national; 1 Turkish national; 1 New Zealand national; 1 Romanian national; 1 Afghan national; 1 French national; and 1 Mauritius national); wounded approximately 700 others; destroyed several train cars, one bus, and an unknown amount of underground track; and damaged several nearby buildings. The attacks occurred on the day the G8 Summit was scheduled to begin in Scotland. Abu Hafs al-Masri Brigades and the Secret Organization of al-Qaeda in Europe both claimed responsibility, although it is widely believed the claim by Abu Hafs al-Masri Brigades should be discredited. ³⁶⁴
- July 15, 2005: Judge Robertson's order to halt military commissions is overturned by a US Appellate Court. ^{365 366}
- July 20, 2005: The Department of Defense announced the transfer or release of eight detainees from Guantanamo Bay. One detainee was released to Sudan, two to Afghanistan, three to Saudi Arabia, one to Jordan, and one to Spain. ³⁶⁷
- July 23, 2005: At 1:15 AM, in Sharm ash Shaykh, Janub Sina', Egypt, assailants simultaneously attacked three locations in the resort city. One vehicle-borne improvised explosive device (VBIED) exploded after crashing into the Ghazala Gardens Hotel, a second VBIED exploded in front of a coffee shop in the Old Market, and an improvised explosive device (IED) exploded in a parking area near Naema Bay, killing 88 civilians (including 11 UK; one Dutch; one Kuwait; one Saudi; one Qatari; one US; one Italian; one Czech; two German; and approximately 68 Egyptian nationals), wounding approximately 127 others (including nine UK; two Saudi Arabian; one Qatari; two Kuwaiti; 21 Italian; one Czech; four Spanish; five German; five Austrian; one Israeli; one Russian; one Ukrainian; one Turkish; and

³⁶² <http://www.cnn.com/2005/US/06/24/shepperd.gitmo/index.html>

³⁶³ http://www.salon.com/opinion/greenwald/2008/05/09/cnn_abc/index.html

³⁶⁴ <http://www.army.mil/terrorism/2006-2000/index.html>

³⁶⁵ <http://english.aljazeera.net/focus/2009/07/20097221092685420.html#2008>

³⁶⁶ <http://www.washingtonpost.com/wp-dyn/content/article/2005/07/15/AR2005071501734.html>

³⁶⁷ <http://www.defenselink.mil/releases/release.aspx?releaseid=8705>

approximately 73 Egyptian nationals), severely damaging the hotel and the coffee shop, destroying an unspecified number of vehicles, and causing moderate damage to all three surrounding neighborhoods. The three attacks damaged an area linking Peace Road with Naema Bay, which are among the busiest areas of the city. The city, nicknamed the City of Peace, had been the site of many Palestinian/Israeli peace talks as well as the controversial Future of Iraq conference. The Martyr Abdallah Azam Brigades, Mujahidu Misr, Sinai Martyr's Group and Al-Tawhid Wal-Jihad (Unity and Jihad Group in Egypt) claimed responsibility, although many blamed Al-Qa'ida.³⁶⁸

August

- August 2, 2005: In Al Basrah, Iraq, five unidentified gunmen kidnapped a US freelance journalist and his translator outside a currency exchange shop. The journalist's body, with multiple gunshot wounds, was found hours later, as was the wounded translator who had four gunshot wounds. No group claimed responsibility.³⁶⁹
- August 8, 2005: Detained enemy combatant Ali Saleh Kahla al-Marri files a law suit against Secretary of Defense Donald Rumsfeld. Al-Marri has been detained since December 12, 2001 and has been detained at Guantanamo Bay as well as a Naval brig in Charleston, South Carolina. According to his attorney's he has been held in solitary confinement for periods exceeding years. Al-Marri's cell in Charelston where has been held for 2 and a half years is only 9ft by 6ft.³⁷⁰
- August 22, 2005: The Department of Defense announced the release of three detainees from Guantanamo Bay. The detainees were released to Yemen, Tajikistan, and Iran. According to the release statement, 245 detainees have been released from Guantanamo and approximately 505 remain in detention.³⁷¹
- US District Judge Jed Rakoff orders the government to ask each prisoner whether they want personal information that could be used to identify them to be released to the Associated Press. Of 317 detainees who received the form, 63 said yes, 17 said no, 35 returned the form without answering and 202 did not return the form.³⁷²
- August 28, 2005: In Baghdad, Iraq, militants detonated an improvised explosive device (IED) as a commercial security company convoy passed, wounding two US contractors and damaging a vehicle. No group claimed responsibility.³⁷³

September

- September 6, 2005: In Tikrit, Salah ad Din, Iraq, militants detonated a roadside command-initiated improvised explosive device (IED) as a US contractor convoy passed, wounding one US contractor and destroying one vehicle. No group claimed responsibility.³⁷⁴
- September 7, 2005: At 9:45 AM, in the Karradah district of Baghdad, Iraq, militants detonated a roadside vehicle-borne improvised explosive device (VBIED) as a commercial security guard convoy passed, wounding five civilian bystanders and one US security guard,

³⁶⁸ <http://www.army.mil/terrorism/2006-2000/index.html>

³⁶⁹ <http://www.army.mil/terrorism/2006-2000/index.html>

³⁷⁰ <http://hrw.org/english/docs/2005/08/08/usdom11612.htm>

³⁷¹ <http://www.defenselink.mil/releases/release.aspx?releaseid=8808>

³⁷² <http://english.aljazeera.net/focus/2009/07/20097221092685420.html#2008>

³⁷³ <http://www.army.mil/terrorism/2006-2000/index.html>

³⁷⁴ <http://www.army.mil/terrorism/2006-2000/index.html>

destroying one SUV, and setting three other vehicles on fire. No group claimed responsibility.³⁷⁵

- September 12, 2005: The Department of Defense announced the release of one detainee from Guantanamo Bay to the government of Afghanistan.³⁷⁶
- September 20, 2005: In Ad Duluiyah, Salah ad Din, Iraq, assailants with rifles and rocket-propelled grenades (RPGs) fired upon a group of US Halliburton contractors after the group made a wrong turn near Balad, killing four of the contractors, wounding two contractors and one soldier, and causing unspecified damage to their vehicles. No group claimed responsibility.³⁷⁷
- September 27, 2005: Private first class Lynndie England is found guilty of three charges stemming from her involvement in the Abu Ghraib abuses. She is dishonorably discharged and receives a prison sentence of three years.³⁷⁸

October

- October 1, 2005: The Department of Defense announced the release of one detainee from Guantanamo Bay to Egypt.³⁷⁹
- October 1, 2005: At about 7:00PM, in Kuta, Bali, Indonesia and Jimbaran Bay, Bali, Indonesia, suicide bombers simultaneously detonated three improvised devices (IEDs) at three restaurants (one in Kuta, two in Jimbaran Bay), killing at least 26 civilians (21 Bali Hindus, four Australians, one Japanese citizen), and wounding at least 129 civilians (93 Indonesian hindus, 19 Australian citizens, 6 South Korean citizens, 6 U.S. citizens, 4 Japanese citizens and 1 UK citizen). No group claimed responsibility, although it was believed Jemaah Islamiya Organization (JI) was responsible.³⁸⁰
- October 2005: Vice President Dick Cheney and CIA Director Porter Goss request that Congress exempt CIA agents from legislation barring cruel and degrading treatment of prisoners in US custody.³⁸¹

November

- November, 2005: CIA lawyers with the department's clandestine branch gave the agency written approval to destroy hundreds of hours of videotape recordings of the interrogations of two Al-Qaeda leaders taken in 2002. According to an unnamed source who formally worked for the CIA, the White House and Justice Department issued a statement in 2003 advising against the destruction of interrogation tapes, but the official said that no explicit order was given not to destroy such tapes. The anonymous source stated that former director of the clandestine branch, Jose Rodriguez, made the order in November 2005, to destroy the interrogation videos. Rodriguez based his authority for the decision on a memo from attorney's of the CIA Directorate of Operations branch.³⁸² Prior to Rodriguez 2005 decision to destroy the interrogation tapes, White House attorneys Alberto Gonzales, David

³⁷⁵ <http://www.army.mil/terrorism/2006-2000/index.html>

³⁷⁶ <http://www.defenselink.mil/releases/release.aspx?releaseid=8866>

³⁷⁷ <http://www.army.mil/terrorism/2006-2000/index.html>

³⁷⁸ <http://www.nytimes.com/2006/03/23/politics/23abuse.html>

³⁷⁹ <http://www.defenselink.mil/releases/release.aspx?releaseid=8912>

³⁸⁰ <http://www.army.mil/terrorism/2006-2000/index.html>

³⁸¹ http://www.washingtonpost.com/wp-dyn/content/article/2005/11/01/AR2005110101644_pf.html

³⁸² <http://www.nytimes.com/2007/12/11/washington/11intel.html?adxnnl=1&adxnnlx=1222394579-rHSgwNE+gAqlzyOsxxFI6Q>

Addington, John Bellinger III, and Harriet Miers participated in meetings to discuss whether or not the tapes should be preserved.³⁸³ Miers will later be rejected as a justice nominee of President Bush for the Supreme Court.

- November 2005: The United States transfers high profile al-Qaeda detainees from a secret CIA prison in Poland to one in Mauritania. Mauritania became an attractive location for a new prison during the summer of 2005 following a coup d'état in Mauritania. The detainees transferred are Abu Zubaida, Abd al-Rahim al-Nashiri, Ramzi bin al-Shibh, Khalid Shaikh Mohammed, Khallad bin Attash, Ahmed Khalfan Ghailani, Hassan Ghul, Abdul Rahim al-Sharqawi, Mohammed Omar Abdul-Rahman, Ibn al-Shaykh al-Libi.³⁸⁴³⁸⁵
- November 2005: Hundreds of hours of videotapes of high profile detainees Abu Zubaida and Abd al-Rahim al-Nashiri's detainment and interrogations are destroyed by the CIA. Zubaida is one of the few detainees whom it is known was waterboarded, and according to CIA officials the waterboarding was captured on film. According to CIA officials, the recordings were taken all hours of the day and night. One concern for the destruction of the tapes is a dispute as to just how important Zubaida was in providing intelligence. One 30 year FBI veteran named Coleman has disputed the reliability of information provided in Zubaida's interrogations and has claimed that The White House and George Tenet have over emphasized his importance. With the destruction of the tapes, the accuracy of Zubaida's interrogation notes cannot be checked.³⁸⁶ Jose Rodriguez, former head of the CIA clandestine operations is thought to have ordered the tapes destruction. It is also thought that the tapes were destroyed in Thailand, which is also where Zubaida and al-Nashiri were held.³⁸⁷ President Bush maintains that he did not know of the tapes destruction prior to 2007.³⁸⁸³⁸⁹
- November 2, 2005: The CIA's secret network of prisons is revealed in an article published in the Washington Post. The covert prisons are said to exist in 8 countries including Afghanistan, Thailand, Cuba (Guantanamo Bay offsite building), and through Eastern Europe. White House communications title the prisons "black sites," whose existence is unknown even to members of congress who have the duty to oversee CIA operations. There is substantial concern that the black site prisons are not abiding by any law, US, international, or that of the nations of origin. In October the CIA requested exemption from legislation that would bar the CIA from using cruel and degrading treatment on detainees in their custody. More than 100 persons, including 30 high level terrorists are estimated to have been held in the black sites. The sites were authorized as early as September 17, 2001 when President Bush signed an order authorizing the CIA to kill, capture and detain members of al Qaeda anywhere in the world.³⁹⁰

³⁸³ http://www.nytimes.com/2007/12/19/washington/19intel.html?_r=2&hp&oref=slogin&oref=slogin

³⁸⁴ <http://abcnews.go.com/WNT/Investigation/story?id=1375123>

³⁸⁵ http://www.newyorker.com/reporting/2007/06/25/070625fa_fact_hersh?printable=true

³⁸⁶ http://www.washingtonpost.com/wp-dyn/content/article/2007/12/17/AR2007121702151_pf.html

³⁸⁷ <http://www.newsweek.com/id/143773?from=rss>

³⁸⁸

<http://www.nytimes.com/2007/12/08/washington/08intel.html?ei=5088&en=5007e974a1d53660&ex=135477000&adxnnl=1&partner=rssnyt&emc=rss&adxnnlx=1222725769-+XjupAwm1AzB51JTE+Nttw>

³⁸⁹ <https://www.cia.gov/news-information/press-releases-statements/press-release-archive-2007/taping-of-early-detainee-interrogations.html>

³⁹⁰ http://www.washingtonpost.com/wp-dyn/content/article/2005/11/01/AR2005110101644_pf.html

- November 3, 2005: The Department of Defense announced the transfer of five detainees from Guantanamo Bay to Kuwait.³⁹¹
- November 3, 2005: Lawrence Wilkerson, former chief of staff to Secretary of State Colin Powell announces that he has put together a “visible audit trail” connecting Vice President Dick Cheney’s office to the prisoner abuses committed by the US in the war on terror.³⁹²
- November 7, 2005: The Supreme Court announces that it will hear Hamdan v. Rumsfeld.³⁹³
- November 10, 2005: US Senate votes 49-42 to approve the Graham Amendment. This bill denies detainees the right to file *habeas corpus* petitions.³⁹⁴
- November 14, 2005: When asked by Leonie Brinkema, the judge to the trial of Zacarias Moussaoui, if the CIA has recordings of interrogations related to Moussaoui, the CIA falsely asserts that it has no recordings. The CIA did have interrogation tapes dating back to 2002, but destroyed many of them in November 2005. It is unknown if the tapes were destroyed prior to Brinkema’s request for them. The CIA later claims that there were no relevant interrogation recordings, rather than asserting that no recordings existed.³⁹⁵³⁹⁶
- November 14, 2005: District Judge Colleen Kollar-Kotelly blocks the Pentagon from resuming Hicks’ military commission proceeding until the Supreme Court rules on Hamdan.³⁹⁷
- November 14, 2005: In Baghdad, Iraq, assailants attacked a security contractor convoy, killing two South African contractors, wounding three other government contractors (1 South African; 1 Iraqi; 1 American), and damaging several vehicles in the convoy. No group claimed responsibility.³⁹⁸
- November 17, 2005: Jose Padilla, a designated “enemy combatant” is indicted in federal court. Padilla’s arrest was based on information obtained during the interrogations of Abu Zubaida. These interrogations are the bulk of the evidence against Padilla, but they are destroyed by the CIA in 2005. The result is a substantial hindrance of the case against Padilla.³⁹⁹
- November 17, 2005: The Defense Department has detained more than 80,000 people in the war on terror. On this date there are at least 14,500 in custody. 500 of these detainees are held at Guantanamo Bay, and an estimated 13,814 are imprisoned in Iraq.⁴⁰⁰
- November 25, 2005: At about 8:30 AM, near Hit, Al Anbar, Iraq, assailants attacked a convoy, killing two contractors (including one US contractor), three security guards, and one civilian, and damaging several vehicles. Ansar al-Sunnah claimed responsibility.⁴⁰¹
- November 26, 2005: At about 11:00 AM, in Baghdad, Iraq, assailants detonated a vehicle-borne improvised explosive device (VBIED) as a US military patrol passed, killing four civilians, wounding four others and one US contractor, and damaging two civilian vehicles

³⁹¹ <http://www.defenselink.mil/releases/release.aspx?releaseid=9035>

³⁹² <http://www.npr.org/templates/story/story.php?storyId=4987598>

³⁹³ <http://www.washingtonpost.com/wp-dyn/content/article/2005/11/07/AR2005110700562.html>

³⁹⁴ <http://projects.washingtonpost.com/congress/109/senate/1/votes/319/>

³⁹⁵ <http://www.vaed.uscourts.gov/notablecases/moussaoui/exhibits/defense.html>

³⁹⁶ <http://www.reuters.com/article/topNews/idUSN1362605320071113>

³⁹⁷ <http://projects.washingtonpost.com/guantanamo/timeline/>

³⁹⁸ <http://www.army.mil/terrorism/2006-2000/index.html>

³⁹⁹ <http://www.thenation.com/doc/20071224/huq>

⁴⁰⁰ <http://www.guardian.co.uk/world/2005/nov/18/september11.usa>

⁴⁰¹ <http://www.army.mil/terrorism/2006-2000/index.html>

and several nearby homes, but leaving the patrol unharmed. No group claimed responsibility.⁴⁰²

- November 26, 2005: In Baghdad, Iraq, assailants kidnapped four humanitarian aid workers (one US national, one UK national, and two Canadian nationals). On 7 March 2006, a video of the hostages was shown by al-Jazeera TV, dated 28 February 2006, showing only the UK and Canadian hostages.⁴⁰³

December

- December 6, 2005: Khaled El-Masri files a law suit against former CIA director George Tenet. Aided by the American Civil Liberties Union, El-Masri alleges that he was wrongly abducted by the CIA and detained and interrogated overseas in a blacksite prison. The suit also names three corporations who aided the CIA in transporting El-Masri abroad. El-Masri seeks recognition of his wrongful detention, and an apology from the government.⁴⁰⁴
- In Iraq, assailants kidnapped an American security consultant. On 8 December 2005, the assailants killed their victim. The Islamic Army in Iraq (IAI) claimed responsibility.⁴⁰⁵
- December 13, 2005: The Army publishes releases new details for the updated field manual which provides new guidelines for the treatment of detainees. The guidelines appear to broaden permissible treatment. The new manual requires interrogators to follow rules established by the Geneva Conventions, but it does not provide examples of impermissible treatment. The Geneva Conventions warn against harsh treatment, but do not define what constitutes harsh treatment. New specified restrictions prohibit use of police dogs for intimidation, use of sleep deprivation, and the long-term use of stress positions. The new field manual is the first revision in 13 years.⁴⁰⁶
- December 22, 2005: At about 8:45 AM, in Baghdad, Iraq, an improvised explosive device (IED) exploded near a convoy, killing two government contractors (1 American; 1 South African) and wounding three others (3 South African). No group claimed responsibility.⁴⁰⁷
- December 30, 2005: President Bush signs the Congressionally authored Detainee Treatment Act (DTA). The bill makes it illegal for agents of the US to engage in “cruel, inhuman and degrading treatment” of detainees. The bill also contains legal protection for agents who violate the act. According to the bill’s author Senator John McCain, “it basically says that if a person, a reasonable person, would feel that someone was acting under orders... then it could be a defense in case of accusation. And there is a provision for legal counsel for those who are accused (of torture), both civil and military.”⁴⁰⁸ At the bill signing, President Bush issued a signing statement which serves to provide the President’s interpretation of the law, but is not legally binding. The statement implied that the President shall enforce the law as Commander in Chief, with the understanding that the prevention of attacks and the protection of the American people is the top priority. Political commentators interpreted

⁴⁰² <http://www.army.mil/terrorism/2006-2000/index.html>

⁴⁰³ <http://www.army.mil/terrorism/2006-2000/index.html>

⁴⁰⁴ <http://www.aclu.org/natsec/emergpowers/22207prs20051206.html>

⁴⁰⁵ <http://www.army.mil/terrorism/2006-2000/index.html>

⁴⁰⁶ http://www.nytimes.com/2005/12/14/politics/14detain.html?_r=1&adxnnl=1&oref=slogin&adxnnlx=1197821139-XpXcsAAxWd5ZE0g+RHsEPg

⁴⁰⁷ <http://www.army.mil/terrorism/2006-2000/index.html>

⁴⁰⁸ <http://www.cnn.com/2005/POLITICS/12/15/torture.bill/>

the President's statement as meaning that he will not hesitate to ignore the law where security can be adequately stated as the motivation.⁴⁰⁹

- December 31, 2005: 54 detainees are transferred out of the facility for the year.⁴¹⁰

2006

January

February

- February 9, 2006: The Department of Defense announced the release of seven detainees from Guantanamo Bay to Afghanistan. According to the release statement, 267 detainees have been released or transferred from Guantanamo, and approximately 490 detainees remain in detention.⁴¹¹
- February 15, 2006: The United Nations recommends the closure of Guantanamo Bay.^{412 413}
- February, 2006: Republican Senators Linsey Graham and John Kyl file an amicus curiae brief with the US Supreme Court in the case of *Hamdan v. Rumsfeld*. The brief states that the newly passed Detainee Treatment Act eliminated the Supreme Court's jurisdiction to hear Hamdan's case. The Senators attempt to show legislative intent to eliminate the jurisdiction, and point to the December 21, 2005 record as evidence. The Senator's claim in their brief that discussion was held on the floor of the senate leading to the conclusion that no Habeas Corpus cases may be heard by the mainland courts. The debate never occurred. The Senators had inserted their written statements disguised as live debate into the record on the day the law was passed.⁴¹⁴
- February 23, 2006: The Pentagon is ordered to release the name of all detainees held in Guantanamo Bay through the Freedom of Information Act. This is a result of litigation initiated by the Associated Press.⁴¹⁵

March

- March 3, 2006: The Pentagon releases over 5,000 pages of transcripts from over 317 hearings to the Associated Press.⁴¹⁶
- March 9, 2006: In the Mansour district of Baghdad, Iraq, the body of the US national was found shot and killed with his hands tied, and injuries on his back.⁴¹⁷
- March 23, 2006: In western Baghdad, Iraq, US and British troops found and freed the three remaining hostages. The Swords of Righteousness Brigades claimed responsibility.⁴¹⁸
- March 28, 2006: Oral arguments are heard before the US Supreme Court in *Hamden v. Rumsfeld*.⁴¹⁹

⁴⁰⁹ http://www.boston.com/news/nation/washington/articles/2006/01/04/bush_could_bypass_new_torture_ban/

⁴¹⁰ <http://projects.washingtonpost.com/guantanamo/timeline/>

⁴¹¹ <http://www.defenselink.mil/releases/release.aspx?releaseid=9300>

⁴¹² <http://english.aljazeera.net/focus/2009/07/20097221092685420.html#2008>

⁴¹³ http://news.bbc.co.uk/2/shared/bsp/hi/pdfs/16_02_06_un_guantanamo.pdf

⁴¹⁴ <http://writ.news.findlaw.com/dean/20060705.html>

⁴¹⁵ <http://english.aljazeera.net/focus/2009/07/20097221092685420.html#2008>

⁴¹⁶ <http://english.aljazeera.net/focus/2009/07/20097221092685420.html#2008>

⁴¹⁷ <http://www.army.mil/terrorism/2006-2000/index.html>

⁴¹⁸ <http://www.army.mil/terrorism/2006-2000/index.html>

⁴¹⁹ <http://projects.washingtonpost.com/guantanamo/timeline/>

- March 31, 2006: Admiral Harry B. Harris assumes command of Joint Task Force Guantanamo.⁴²⁰

April

- April 5, 2006: In the trial case against Ali Saleh Kahlah al-Marri, Jeffrey Rapp, the director of the Joint Intelligence Task Force for Combating Terrorism at the Defense Intelligence Agency, submits a document in support of the government declaration that Al-Marri is an enemy combatant. The “Rapp Declarations” provide 16 pages of allegations against Al-Marri, but do not cite any sources for the information because they are “highly classified.” In *Hamdi v. Rumsfeld* the US Supreme Court ruled that hearsay may be used against enemy combatants. The document uses hearsay alone to allege that Al-Marri met personally with Osama bin Laden, and was instructed by al-Qaeda “to explore possibilities for hacking into the mainframe computers of banks with the objective of wreaking havoc on US banking records.”⁴²¹
- April 12, 2006: Italy’s Justice minister declines to extradite 22 CIA officers who are accused of kidnapping Islamic cleric Hassan Mustafa Osama Nasr (“Abu Omar”) in 2003. The CIA kidnapped the cleric and extradited him to Egypt for interrogations. The CIA kept the kidnapping a secret from Italian officials, and provided officials with misleading information as they conducted their own investigation to Nasr’s whereabouts.⁴²²
- April 20, 2006: Guantanamo Bay detainee Bisher al-Rawi is released from the prison upon the request of the British government. Al-Rawi was abducted by the US for his terrorist connections, however he had been an informant working for the MI5 British intelligence agency.⁴²³ al-Rawi had been in detention since November 8 2002.⁴²⁴
- April 20, 2006: The Department of Defense releases the names of 558 people who have been detained in Guantanamo Bay.^{425 426}
- April 26, 2005: The Department of Defense announced the transfer of two detainees from Guantanamo Bay to Belgium. The detainees were transferred to the custody of the Belgian government.⁴²⁷

May

- May 3, 2006: Zacarias Moussaoui is sentenced to six consecutive life terms in prison without the possibility of parole, for his role in planning the 9/11 terrorist attacks. One juror voted against imposing the death penalty on Moussaoui.⁴²⁸
- May 5, 2006: CIA Director Portor Goss resigns from his post after serving for nearly 2 years. The reasons for Goss’ resignation are not made clear. One source stated that Goss was present and perhaps an active participant in Watergate hotel parties in which Congressman Duke Cunningham accepted bribes and prostitution.⁴²⁹

⁴²⁰ <http://projects.washingtonpost.com/guantanamo/timeline/>

⁴²¹ http://www.washingtonpost.com/wp-srv/nation/documents/jeffreyrapp_document.pdf

⁴²² http://www.nytimes.com/2006/04/13/world/europe/13cia.html?_r=6&oref=slogin&oref=slogin&oref=slogin&oref=slogin&oref=slogin&oref=slogin

⁴²³ <http://www.guardian.co.uk/politics/2006/apr/20/uk.guantanamo>

⁴²⁴ http://www.washingtonpost.com/wp-dyn/content/article/2006/04/01/AR2006040101465_pf.html

⁴²⁵ <http://english.aljazeera.net/focus/2009/07/20097221092685420.html#2008>

⁴²⁶ http://www.dod.mil/pubs/foi/detainees/detainee_list.pdf

⁴²⁷ <http://www.defenselink.mil/releases/release.aspx?releaseid=8423>

⁴²⁸ http://www.washingtonpost.com/wp-dyn/content/article/2006/05/11/AR2006051101884_pf.html

⁴²⁹ <http://www.cnn.com/2006/POLITICS/05/06/goss.resignation/>

- May 18, 2006: The Department of Defense announced the transfer of 15 Saudi detainees from Guantanamo Bay to Saudi Arabia.⁴³⁰
- May 18, 2006: US District Judge T.S. Ellis III dismissed the case brought by former detainee Khaled al-Masri against the CIA. The judge stated that while al-Masri may have been wrongfully detained, and suffered injury, his suit presented a risk to national security by potentially exposing government secrets. The judge stated “private interests must give way to the national interest in preserving state secrets.”⁴³¹
- May 18, 2006: Two detainees attempt to commit suicide. A riot ensues.⁴³²
- May 28, 2006: The Department of Defense says 75 prisoners at Guantanamo Bay were on a hunger strike and had been force-fed since August 2005.⁴³³

June

- June 10, 2006, three detainees die from apparent suicides.⁴³⁴
- June 24, 2006: The Department of Defense announced the transfer of fourteen Saudi Detainees from Guantanamo Bay to Saudi Arabia. According to the release statement, approximately 310 detainees have departed Guantanamo, and 450 detainees remain at the prison.⁴³⁵
- June 30, 2006: The US Supreme Court issues the ruling in the case of Guantanamo detainee *Hamdan*. The ruling strikes the Bush administration’s attempt to try Guantanamo prisoners before commissions run by the military. The court writes that President Bush’s authorization for the military courts was without Congressional authorization and exceeded the scope of the President’s authority. The ruling also states that detainees at Guantanamo Bay must be afforded the rights provided by the Geneva Conventions. These rights include humane treatment and a right to open trials in the US court system.⁴³⁶

July

- July 12, 2006: Following the Supreme Court’s *Hamdan* decision, the Bush administration announces that it will comply with the Geneva Conventions with regard to all terror suspects in US custody. Prior to this statement the Bush administration believed that terrorist suspects who were not captured in uniform and fighting on behalf of a nation, were not entitled to protections afforded by the Geneva Conventions. Steven Bradbury, the chief of the Justice Department’s Office of Legal Council says “The court-martial procedures are wholly inappropriate for the current circumstances and would be infeasible for the trial of these alien enemy combatants.” Taking a contrary position, Senate Judiciary Chairman Patrick Leahy said “I find it hard to fathom that this administration is so incompetent that it needs kangaroo-court procedures to convince a tribunal of United States military officers that the worst of the worst imprisoned at Guantanamo Bay should be held accountable.”⁴³⁷

August

⁴³⁰ <http://www.defenselink.mil/releases/release.aspx?releaseid=9569>

⁴³¹ <http://www.washingtonpost.com/wp-dyn/content/article/2006/05/18/AR2006051802107.html>

⁴³² <http://english.aljazeera.net/focus/2009/07/20097221092685420.html#2008>

⁴³³ <http://projects.washingtonpost.com/guantanamo/timeline/>

⁴³⁴ <http://www.washingtonpost.com/wp-dyn/content/article/2006/06/12/AR2006061200002.html>

⁴³⁵ <http://www.defenselink.mil/releases/release.aspx?releaseid=9687>

⁴³⁶ <http://www.nytimes.com/2006/06/30/washington/30hamdan.html>

⁴³⁷ <http://www.washingtonpost.com/wp-dyn/content/article/2006/07/11/AR2006071100094.html>

- August 24, 2006: Murat Kurnaz is released.⁴³⁸
- August 26, 2006: The Department of Defense announced the transfer of five detainees from Guantanamo Bay to Afghanistan. Each of these detainees underwent the multiple review process.⁴³⁹

September

- September 2, 2006: The CIA temporarily closes its black-site prisons around the world. The prisons held approximately 100 detainees, most of whom are returned to their home nation. Fourteen prisoners with connections to al-Qaeda are transferred to Guantanamo Bay Detention Facility. The following detainees are moved to Guantanamo Bay: Kalid Shaikh Mohammed, Mustafa Ahmed al-Hawsawi, Hambali, Khallad bin Attash, Ali Abdul Aziz Ali, Ramzi bin al-Shibh, Abd al-Rahim al-Nashiri, Abu Zubaida, Ahmed Khalfan Ghailani, Majid Khan, Abu Faraj al-Libbi, Mohamad Farik Amin, Mohammed Nazir Bin Lep, Gouled Hassan Dourad.⁴⁴⁰⁴⁴¹
- September 6, 2006: 14 high value detainees are transferred to Guantanamo Bay from secret sites.⁴⁴²
- September 6, 2006: President Bush is quoted as stating “The current transfers (Sep 2 CIA transfers) mean that there are now no terrorist in the CIA program.”⁴⁴³ President Bush makes clear that the new policies for interrogation restrictions being issued by the Pentagon will not apply to the CIA. The president stresses that they have their own protocol which must remain secret.
- September 6, 2006: The Pentagon issues new guidelines for interrogation of detainees in the war on terror. Under the new rules interrogators are barred from using dogs, water dunking, forced nudity, and some sensory deprivation techniques. The rules apply to all military branches, but do not apply to the CIA.⁴⁴⁴
- 14 high value detainees are transferred from “secret sites” to Guantanamo Bay.⁴⁴⁵
- September 14, 2006: The Department of Defense announced the transfer of two detainees from Guantanamo Bay to Kuwait. According to the release statement approximately 455 detainees remain at the Guantanamo Bay detention center.⁴⁴⁶
- September 26, 2006: International Committee of the Red Cross sends representatives to meet with 14 detainees.⁴⁴⁷
- September 28, 2006: Military Commission Act is passed by Congress.⁴⁴⁸

October

- October 2006: Camp Iguana occupied. Provides for communal living.⁴⁴⁹

⁴³⁸ <http://www.washingtonpost.com/wp-dyn/content/article/2006/08/24/AR2006082401489.html>

⁴³⁹ <http://www.defenselink.mil/releases/release.aspx?releaseid=9869>

⁴⁴⁰ <http://cryptome.org/hvd-bios.htm>

⁴⁴¹ http://www.usatoday.com/news/washington/2006-09-06-terror-list_x.htm

⁴⁴² <http://www.washingtonpost.com/wp-dyn/content/article/2006/09/06/AR2006090602142.html>

⁴⁴³ http://www.usatoday.com/news/washington/2006-09-06-interrogation_x.htm

⁴⁴⁴ http://www.usatoday.com/news/washington/2006-09-06-interrogation_x.htm

⁴⁴⁵ <http://english.aljazeera.net/focus/2009/07/20097221092685420.html#2008>

⁴⁴⁶ <http://www.defenselink.mil/releases/release.aspx?releaseid=9960>

⁴⁴⁷ <http://projects.washingtonpost.com/guantanamo/timeline/>

⁴⁴⁸ <http://english.aljazeera.net/focus/2009/07/20097221092685420.html#2008>

⁴⁴⁹ <http://www.jtfgtmo.southcom.mil/index/JTFGBrochurePg3.pdf>

- October 2006: Camp 6 construction complete. Modeled after US domestic maximum-security facilities.⁴⁵⁰
- October 2006: Camp 7 occupied. Designated a facility for high-value detainees.⁴⁵¹
- October 3, 2006: The United States offers to return to England all detainees who have British residency. The British government turns down the offer stating that the detainees do not have a right to return to England because they are residence and not citizens. The US government has also placed strict demands on the contingent release. Released detainees would not be allowed to leave the UK, and the British government would have to accept all of the detainees without objections. The British government stated that they would prefer to take some but not all of the detainees.⁴⁵²
- October 12, 2006: The Department of Defense announced the transfer of sixteen detainees from Guantanamo Bay to Afghanistan. One additional detainee was transferred to Morocco. According to the announcement 335 detainees have been removed from Guantanamo Bay, and approximately 440 detainees remain there.⁴⁵³
- October 16, 2006: The Department of Defense announced the transfer of one detainee to Bahrain, one detainee to Iran, and two detainees to Pakistan.⁴⁵⁴
- October 17, 2006: President Bush signs the Military Commissions Act (HR-6166). In the wake of the Supreme Court decision in Hamdan v. Rumsfeld, the act is meant to authorize military commission trials for detainees at Guantanamo Bay. The act removes the ability for detainees to access US courts and invoke the habeas corpus provision.⁴⁵⁵
- October 26, 2006: In an attempt to keep the CIA's interrogation tactics secret, the Bush administration seeks a court order preventing information to be shared by former CIA detainees. Specifically, the order would block the 14 high profile detainees transferred to Guantanamo Bay in September, from accessing lawyers. Attorney Joseph Margulies responded by noting that the major danger in the request is that the detainees "can't even say what our government did to these guys to elicit the statements that are the basis for them being held." Lawyers at the Justice department argue that under the Military Commissions Act detainees do not have access to US courts, and therefore do not have an automatic right to access lawyers.⁴⁵⁶
- October 31, 2006: John Bellinger gives a speech to the London School of Economics on the War on Terror and the holding of detainees.⁴⁵⁷

November

- November 13, 2006: The Justice Department argues in court that following the passing of the Military Commissions Act, detainees at Guantanamo Bay can be detained indefinitely without trial. The brief asserting this argument is in response to a habeas corpus suit challenging the detention of Ali Saleh Kahlah al-Marri. The Justice Department seeks dismissal of the suit.⁴⁵⁸

⁴⁵⁰ <http://www.jtfgtmo.southcom.mil/index/JTFGBrochurePg3.pdf>

⁴⁵¹ <http://www.jtfgtmo.southcom.mil/index/JTFGBrochurePg3.pdf>

⁴⁵² <http://www.guardian.co.uk/uk/2006/oct/03/politics.guantanamo>

⁴⁵³ <http://www.defenselink.mil/releases/release.aspx?releaseid=10068>

⁴⁵⁴ <http://www.defenselink.mil/releases/release.aspx?releaseid=10081>

⁴⁵⁵ http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_cong_bills&docid=f:s3930enr.txt.pdf

⁴⁵⁶ <http://www.washingtonpost.com/wp-dyn/content/article/2006/11/03/AR2006110301793.html>

⁴⁵⁷ http://www.lse.ac.uk/collections/LSEPublicLecturesAndEvents/pdf/20061031_JohnBellinger.pdf

⁴⁵⁸ <http://jurist.law.pitt.edu/paperchase/2006/11/doj-asserts-mca-bars-enemy-immigrants.php>

- November 17, 2006: The last three detainees are ruled that they are no longer enemy combatants They are subsequently released to Albania.⁴⁵⁹

December

- December 2006: Opening of Camp 6.⁴⁶⁰
- December 7, 2006: The first detainees are transferred to Camp 6.⁴⁶¹
- December 13, 2006: Judge Robertson dismisses Hamdan's petition for *habeas corpus*. Judge Robertson claims that his court hacks jurisdiction. Hamdan appeals.⁴⁶²
- December 14, 2006: The Department of Defense announced the transfer of sixteen detainees from Guantanamo Bay to Saudi Arabia. According to the release statement 360 detainees have been released or transferred from Guantanamo Bay, and 415 detainees remain at the prison.⁴⁶³
- December 17, 2006: The Department of Defense announced the transfer of seven detainees from Guantanamo bay to Afghanistan, five detainees to Yemen, three detainees to Kazakhstan, one detainee to Libya, and one detainee to Bangladesh. One detainee was released to Yemen.⁴⁶⁴
- December 31, 2006: 114 detainees are transferred out of the prison for the year. This figure includes the three detainees that committed suicide.⁴⁶⁵

2007

January

- January 18, 2007: A proposed manual for trying enemy combatants is submitted by the Department of Defense to Congress.^{466 467}
- January 2007: Pentagon General Counsel William J. Haynes attempts to pressure for politically advantageous prosecutions of Guantanamo Bay detainees. Haynes called Morris Davis, the top prosecutor at Guantanamo Bay, and requested that he charge Australian detainee David Hicks. Haynes reportedly made multiple calls to Davis and was pressing the issue as a favor to Australian Prime Minister John Howard.⁴⁶⁸

February

- February 11, 2007: Imam Hassan Mustafa Osama Nasr (Abu Omar) is released from detainment in Egypt. Nasr was kidnapped by the CIA in Italy in 2003. The CIA kept Nasr in Egypt at a secret black site prison. The kidnapping created a conflict between Italian intelligence agencies and the CIA, because the CIA kept Italy in the dark regarding the kidnapping. For two years after Nasr was kidnapped, the Italian government conducted an active search and investigation for Nar.⁴⁶⁹

⁴⁵⁹ <http://www.washingtonpost.com/wp-dyn/content/article/2006/11/17/AR2006111700613.html>

⁴⁶⁰ <http://www.jtfgtmo.southcom.mil/index/JTFGBrochurePg3.pdf>

⁴⁶¹ <http://english.aljazeera.net/focus/2009/07/20097221092685420.html#2008>

⁴⁶² <http://www.washingtonpost.com/wp-dyn/content/article/2006/12/13/AR2006121301946.html>

⁴⁶³ <http://www.defenselink.mil/releases/release.aspx?releaseid=10293>

⁴⁶⁴ <http://www.defenselink.mil/releases/release.aspx?releaseid=10301>

⁴⁶⁵ <http://projects.washingtonpost.com/guantanamo/timeline/>

⁴⁶⁶ <http://www.defenselink.mil/news/detainees.html>

⁴⁶⁷ <http://www.defenselink.mil/pubs/pdfs/The%20Manual%20for%20Military%20Commissions.pdf>

⁴⁶⁸ <http://jurist.law.pitt.edu/forumy/2007/11/politics-at-guantanamo-former-chief.php>

⁴⁶⁹ <http://www.washingtonpost.com/wp-dyn/content/article/2007/02/12/AR2007021200466.html>

- February 16, 2007: An Italian court rules that 35 people connected to the CIA operation to kidnap Imam Hassan Mustafa Osama Nasr are to be tried for the crimes committed in the CIA operation. The crimes charged include kidnapping and torture. The CIA claims that Italian intelligence officials had approved the operation.⁴⁷⁰
- February 21, 2007: Department of Defense announces the transfer of seven Guantanamo Bay detainees to Saudi Arabia. Approximately 390 detainees remain at Guantanamo Bay.⁴⁷¹

March

- March 1, 2007: The Department of Defense announces the transfer of two Guantanamo Bay detainees to Afghanistan, and three to Tajikistan. This is the first press release to state "This transfer is a demonstration of the fact that the United States does not desire to hold detainees for any longer than necessary. It also underscores that the United States has put in place processes to assess each individual and make a determination about whether they may be released or transferred during the course of ongoing hostilities – an unprecedented step in the history of warfare." The press release explains "Approximately 85 detainees remain at Guantanamo who the U.S. government has determined eligible for transfer or release through a comprehensive series of review processes. Departure of these remaining detainees approved for transfer or release is subject to ongoing discussions between the United States and other nations." Both of these statements appear in each successive press release statement and mark a shift in the language used.⁴⁷²
- March 9, 2007: The recording of prisoner Jose Padilla's final interrogation has been misplaced by the Pentagon. During the three and half year detention, 88 recordings of Padilla's interrogations were made. Only 87 of these recordings have been submitted to the court in connection with Padilla's trial. Padilla's attorney's fear that that the missing recording includes misconduct and may have contributed to Padilla's lack of trust and cooperation with his own lawyers.⁴⁷³
- March 9, 2007: Combatant Status Review Tribunal held for Abu Faraj Al Libi.⁴⁷⁴
- March 9, 2007: Combatant Status Review Tribunal held for Ramzi Binalshibh.⁴⁷⁵
- March 10, 2008: Guantanamo Detainee Khalid Shaikh Mohammed makes several confessions during his combat status review tribunal. Mohammed admits to his involvement in the 1993 World Trade Center bombing, as well as the planning of the 9/11 attack. Mohammed confessed to personally decapitating American reporter Daniel Pearl in January, 2002. The confession included a planned attack on the Plaza Bank in Washington State, however the bank was not built until long after Mohammed was detained.^{476 477}
- March 12, 2007: Combatant Status Review Tribunal held for Tawfiq Bin Attash.⁴⁷⁸
- March 13, 2007: Combatant Status Review for Mohamed Farik Bin Amin Zubair.⁴⁷⁹

⁴⁷⁰ <http://www.cnn.com/2007/WORLD/europe/02/16/italy.cia.trial/>

⁴⁷¹ <http://www.defenselink.mil/Releases/Release.aspx?ReleaseID=10536>

⁴⁷² <http://www.defenselink.mil/releases/release.aspx?releaseid=10562>

⁴⁷³ http://www.breitbart.com/article.php?id=D8NOR4EO0&show_article=1

⁴⁷⁴ http://media.washingtonpost.com/wp-srv/nation/pdf/allibi_transcript_031507.pdf

⁴⁷⁵ http://media.washingtonpost.com/wp-srv/nation/pdf/alshib_transcript_031507.pdf

⁴⁷⁶ http://www.defenselink.mil/news/transcript_ISN10024.pdf

⁴⁷⁷ http://seattlepi.nwsourc.com/attack/307748_terrorthreat16.html

⁴⁷⁸ http://media.washingtonpost.com/wp-srv/nation/documents/csrt_transcript_bin_attash.pdf

⁴⁷⁹ <http://www.defenselink.mil/news/ISN10021.pdf>

- March 14, 2007. Combatant Status Review Tribunal held for Abd Al Nashiri where he claims that torture led him to confess to terrorist activities.⁴⁸⁰
- March 17, 2007: Combatant Status Review Tribunal held for Ahmad Khalfan Ghailani.⁴⁸¹
- March 20, 2007: Combatant Status Review Tribunal held for Mohammed Nazir Bin Lep.⁴⁸²
- March 21, 2007: Combatant Status Review Tribunal held for Hawsawi.⁴⁸³
- March 26, 2009: Abdul Malik Abdul-Jabar is transferred to Guantanamo Bay. This is the first time since 2004 an detainee has been transferred to Guantanamo Bay directly.⁴⁸⁴
- Marcy 27, 2008: Guantanamo Detainee Abu Zubaida completes his combat status review tribunal. Zubaida admits to heading the Khaldan fighter training camp in Afghanistan, and coordinating the use of trained fighters for Osama bin Laden. Zubaida argues that the Khaldan base did not exist to train terrorist. The camp was created during the Soviet-Afghan war and served to train Afgani's to fight against any foreign invaders on Afghani soil.⁴⁸⁵
- March 30, 2007: Department of Defense announced the transfer of one Guantanamo Bay detainee to the United Kingdom. According to the release there are approximately 385 detainees remaining at the prison.⁴⁸⁶
- March 30, 2007: A U.S. military tribunal sentenced Australian David Hicks to nine months in prison after he pleaded guilty to supporting terrorism. This was the first conviction at a U.S. war-crimes trial since World War II.⁴⁸⁷
- March 30, 2007: Combatant Status Review Tribunal held for Abu Zubaida.⁴⁸⁸

April

- April 1, 2007: British resident, and Guantanamo detainee Bisher al-Rawi is released from Guantanamo Bay after nearly five years of detention. Al-Rawi had been an informant for the MI5 British intelligence agency. Al-Rawi was reportedly taken into custody by the US after refusing to resume work as an informant.⁴⁸⁹
- April 2, 2007: The U.S. Supreme Court rejected an appeal challenging a detainees' detention in Guantanamo Bay. The court held that the detainees were not eligible to supersede the military tribunal process and the review of the U.S. Court of Appeals for the D.C. Circuit.⁴⁹⁰
- April 4, 2007: Combatant Status Review Tribunal Held for Anmmar al Baluchi.⁴⁹¹
- April 15, 2007: Combatant Status Review Tribunal held for Majid Khan.⁴⁹²
- April 24, 2007: Military Commission charges Omar Khadr.⁴⁹³

⁴⁸⁰ http://www.defenselink.mil/news/transcript_ISN10015.pdf

⁴⁸¹ http://www.defenselink.mil/news/transcript_ISN10012.pdf

⁴⁸² http://www.defenselink.mil/news/transcript_ISN10022.pdf

⁴⁸³ http://www.defenselink.mil/news/transcript_ISN10011.pdf

⁴⁸⁴ <http://www.defenselink.mil/releases/release.aspx?releaseid=10662>

⁴⁸⁵ http://www.defenselink.mil/news/transcript_ISN10016.pdf

⁴⁸⁶ <http://www.defenselink.mil/releases/release.aspx?releaseid=10676>

⁴⁸⁷ <http://www.washingtonpost.com/wp-dyn/content/article/2007/03/31/AR2007033100279.html>

⁴⁸⁸ http://www.defenselink.mil/news/transcript_ISN10018.pdf

⁴⁸⁹ http://news.bbc.co.uk/2/hi/uk_news/6515701.stm

⁴⁹⁰ <http://www.cbsnews.com/stories/2007/04/02/supremecourt/main2636729.shtml>

⁴⁹¹ http://www.defenselink.mil/news/transcript_ISN10019.pdf

⁴⁹² http://www.defenselink.mil/news/transcript_ISN10020.pdf

⁴⁹³ <http://www.defenselink.mil/news/Apr2007/Khadreferral.pdf>

- April 26, 2007: Department of Defense announces the transfer of one detainee from Guantanamo Bay to Afghanistan, and a second detainee to Morocco. According to the release statement there are approximately 380 detainees remaining at the prison.⁴⁹⁴
- April 27, 2007: Abd al Hadi Al Iraqi is transferred from CIA custody to Guantanamo Bay.⁴⁹⁵
- April 29, 2007: Former CIA Director George Tenet appears on CBS “60 Minutes.” Tenet denies that the CIA used torture tactics in interrogating terrorist detainees. When asked if the tactic of water boarding is torture Tenet does avoids answering. He responds by saying “The context is it’s post 9/11. I’ve got reports of nuclear weapons in New York City, apartment buildings that are gonna be blown up, planes that are gonna fly into airports all over again.... Everybody forgets one central context of what we lived through.... I know that this program has saved lives.”⁴⁹⁶
- April 30, 2007: Senator Diane Feinstein introduced the first legislation that proposed closing the Guantanamo Bay detention facility. The bill called for the closure of the facility and the transfer of all detainees to either another facility or a third-party government within one year of the bill’s enactment.⁴⁹⁷

May

- May, 2007: Senators Russell Feingold, Dianne Feinstein, Chuck Hagel, and Ron Wyden send letters to CIA Director Michael Hayden objecting to the CIA’s use of water-boarding and other torturous interrogation tactics. The letters are written after the senators are briefed by CIA officials on specific tactics used. The senators are not allowed to discuss the specifics of the tactics disclosed in the meeting.⁴⁹⁸
- May 19, 2007: Department of Defense announces the transfer of Guantanamo Detainee David Hicks to his home country of Australia. Hicks pled guilty on March 30, 2007, and was convicted under the Military Commissions Act of 2006 for material support to terrorism. Hicks trial was the first under the Act. Hicks sentence will not exceed nine months under a pretrial agreement.⁴⁹⁹
- May 30, 2007: A detainee commits suicide in Camp Five.⁵⁰⁰

June

- June 4, 2007: Colonel Peter Brownback, presiding over the combat status review tribunals at Guantanamo Bay, dismisses charges against two detainees. The charges against Canadian citizen Omar Khadr who has been detained since age 15, and Yemeni Ahmed Hamdan are dismissed. The dismissal is based on a technicality charging the detainees as “enemy combatants” instead of “unlawful enemy combatants.” The Guantanamo courts only have jurisdiction to try the latter status.⁵⁰¹
- June 7, 2007: A group of human rights and liberties organizations file a US federal lawsuit under the Freedom of Information Act. The organizations seek information regarding 39

⁴⁹⁴ <http://www.defenselink.mil/releases/release.aspx?releaseid=10788>

⁴⁹⁵ <http://www.defenselink.mil/news/Apr2007/d20070427hvd.pdf>

⁴⁹⁶ <http://www.cbsnews.com/stories/2007/04/25/60minutes/main2728375.shtml>

⁴⁹⁷ <http://thomas.loc.gov/cgi-bin/query/F?r110:1:./temp/~r110roLjrX:e0:>

⁴⁹⁸ http://www.washingtonpost.com/wp-dyn/content/article/2007/12/08/AR2007120801664_3.html

⁴⁹⁹ <http://www.defenselink.mil/releases/release.aspx?releaseid=10898>

⁵⁰⁰ <http://www.washingtonpost.com/wp-dyn/content/article/2007/05/30/AR2007053002580.html>

⁵⁰¹ <http://www.guardian.co.uk/world/2007/jun/05/usa.guantanamo1>

persons who have disappeared in US custody. Of the 39 people, the US had admitted to detaining 3.⁵⁰²

- June 19, 2007: Department of Defense announced the transfer of six detainees from Guantanamo Bay. Two were transferred to Tunisia, and four were transferred to Yemen. According to the release statement approximately 375 detainees remain at Guantanamo.⁵⁰³
- June 29, 2007: The United States Supreme Court agreed to review the cases of detainees challenging their indefinite detention at Guantanamo Bay.⁵⁰⁴

July

- July 11, 2007: The Fourth Circuit Court of Appeals orders the Pentagon to release detainee Ali al-Marri. Al-Marri has been detained at the Navy Brig in Charleston, South Carolina since December, 2001. Judge Motz wrote in the decision that the government can't bypass the criminal justice system for civilians within the US. Al-Marri was arrested while studying computer science in Illinois. The judge's concern was that Al-Marri was being treated as an enemy combatant, while he should have been treated as a civilian who cannot be detained without charges.⁵⁰⁵⁵⁰⁶ Al-Marri's attorney Jonathan Hafetz stated "We're pleased the court saw through the government's stunning position in this case. Had it not, the executive could effectively disappear people by picking up any immigrant in this country, locking them in a military jail, and holding the keys to the courthouse.... This is exactly what separates a country that is democratic and committed to the rule of law from a country that is a police state."⁵⁰⁷
- July 16, 2007: Department of Defense announced the transfer of sixteen Guantanamo Bay detainees to Saudi Arabia. According to the release approximately 360 detainees remain at Guantanamo.⁵⁰⁸
- July 20, 2007: President Bush authorizes a new set of interrogation techniques for use by the CIA. The declaration confirms the CIA has reconvened its black-site foreign detention program.⁵⁰⁹ Executive Order 13440 provides that harsh interrogation methods may be used against detainees associated with al-Qaeda and the Taliban because they are not covered by the Geneva Conventions. The order prohibits use of sexual abuse, biological experiments, and acts deemed beyond the bounds of human decency.⁵¹⁰

August

- August 9, 2007: Department of Defense announced the release of six detainees from Guantanamo Bay. Five were transferred to Afghanistan, and one to Bahrain. Approximately 355 detainees remain at Guantanamo Bay. 80 of these detainees have been cleared for release from the prison.⁵¹¹

⁵⁰² <http://uk.reuters.com/article/worldNews/idUKN0644490320070607>

⁵⁰³ <http://www.defenselink.mil/releases/release.aspx?releaseid=11030>

⁵⁰⁴ <http://www.npr.org/templates/story/story.php?storyId=11601680>

⁵⁰⁵ http://www.nytimes.com/2007/06/11/washington/11cndcnd-combatant.html?_r=1&hp&oref=slogin

⁵⁰⁶ <http://www.highbeam.com/doc/1G1-164757614.html>

⁵⁰⁷ <http://www.highbeam.com/doc/1G1-164843685.html>

⁵⁰⁸ <http://www.defenselink.mil/releases/release.aspx?releaseid=11130>

⁵⁰⁹ http://www.nytimes.com/2007/10/04/washington/04interrogate.html?_r=1&pagewanted=print&oref=slogin

⁵¹⁰ <http://www.fas.org/irp/offdocs/eo/eo-13440.htm>

⁵¹¹ <http://www.washingtonpost.com/wp-dyn/content/article/2007/08/09/AR2007080900692.html>

- August 9, 2007: The 14 high value detainees transferred from CIA custody to Guantanamo Bay in September, 2006, are all deemed enemy combatants at their combatant status review tribunal. The most prominent detainee among the group is Khalid Sheikh Mohammed who allegedly spearheaded the planning of the 9/11 attacks. It remains unclear whether prisoners deemed “enemy combatants” can be tried by a military tribunal and thus the detention remains indefinite.⁵¹²

September

- September 2007: The CIA unearths recordings of the interrogations of Zacarias Moussaoui. Moussaoui was convicted in 2006 for his involvement in the planning of the 9/11 attacks. On two separate occasions in May of 2003, and November of 2005, the CIA told the judge in court declarations, that the government had no recordings of Moussaoui’s interrogations. The CIA recently informed the prosecution team that the recordings were uncovered. The prosecution informed the court of their existence, but argued that the recordings would not have had an effect on the outcome of Moussaoui’s conviction had they been available during trial.⁵¹³
- September 6, 2007: Department of Defense announces the transfer of sixteen Guantanamo Bay detainees to Saudi Arabia. According to the release approximately 340 detainees remain at the prison.⁵¹⁴
- September 28, 2007: Department of Defense announces the transfer of one Guantanamo Bay detainee to Mauritania.⁵¹⁵
- September 29, 2007: Department of Defense announces the transfer of eight detainees from Guantanamo Bay. Six of the detainees were transferred to Afghanistan, and the remaining two were transferred to Libya and Yemen. According to the release statement approximately 330 detainees remain at the prison.⁵¹⁶

October

- October 3, 2007: The New York Times reveals the Justice Department “Torture Memos” of 2005. The 2005 opinion memo approved by Alberto Gonzales was the first to provide “explicit authorization to barrage terror suspects with a combination of painful physical and psychological tactics, including head-slapping, simulated drowning and frigid temperatures.” The present policy does not utilize all of the techniques authorized in the memo, however the memo’s authorization still remains intact.⁵¹⁷
- October 4, 2007: The Defense Department’s General Counsel William Haynes is assigned as head of prosecutions at Guantanamo Bay. The appointment is made by Deputy Secretary of Defense Gordon England. Haynes’ appointment is viewed as controversial because he had been a strong advocate of harsh interrogation tactics of detainees, and assisted in authoring the November 2002 “Torture Memo” while working in the Office of Legal Counsel within the White House. Following the appointment of Haynes, the lead prosecutor Morris Davis resigned from his position. Davis stated that his resignation was due to the illegitimacy Haynes’ appointment brought to the commissions process. In an article explaining himself,

⁵¹² <http://www.washingtonpost.com/wp-dyn/content/article/2007/08/09/AR2007080900692.html>

⁵¹³ <http://www.reuters.com/article/topNews/idUSN1362605320071113?pageNumber=2&virtualBrandChannel=0>

⁵¹⁴ <http://www.defenselink.mil/releases/release.aspx?releaseid=11301>

⁵¹⁵ <http://www.defenselink.mil/releases/release.aspx?releaseid=11367>

⁵¹⁶ <http://www.defenselink.mil/releases/release.aspx?releaseid=11368>

⁵¹⁷ <http://www.reuters.com/article/topNews/idUSN1362605320071113?pageNumber=2&virtualBrandChannel=0>

Davis wrote “Intermingling convening authority and prosecutor roles perpetuates the perception of a rigged process stacked against the accused.” Haynes and Davis disagreed about the admissibility of evidence obtained through waterboarding and other questionably harsh tactics.⁵¹⁸⁵¹⁹

- October 18, 2007: The 2nd Circuit Court of Appeals redacts information regarding an interrogation, from its opinion in the case of Abdallah Higazy. Higazy, an Egyptian citizen, was arrested following the 9/11 attacks based on allegations that an airplane radio was found in his hotel room located in the vicinity of ground zero. Higazy has been cleared of the charges previously, and brought the current civil action against the FBI and its agent interrogator Michael Templeton. The interrogator coerced Higazy to confess to ownership of the radio, and involvement in the 9/11 attacks by threatening his family’s safety if he did not cooperate. The court published its opinion and withdrew it minutes later, opting to redact details regarding the coerced interrogation and other allegations of Higazy. The original opinion had already been accessed by bloggers and news organizations by that time.⁵²⁰

November

- November 4, 2007: The Department of Defense announces the transfer of eleven Guantanamo Bay detainees. Eight of the detainees are transferred to Afghanistan, and the remaining three to Jordan. According to the release statement there are approximately 320 detainees remaining at Guantanamo Bay.⁵²¹
- November 6, 2007: During the confirmation hearings for Michael Mukasey’s appointment to the post of Attorney General, Democratic Senator Russ Feingold argues against the appointment on the basis that Mukasey has refrained from taking positions on essential issues. When asked at an earlier time whether the White House initiated warrantless wiretapping program was legal under the President’s Article II powers he stated he was “agnostic.” Most pressing to Feingold was Mukasey’s refusal to call waterboarding torture. Feingold feared that the replacement of an incompetent Attorney General would be a puppet Attorney General.⁵²²
- November 8, 2007: Michael Mukasey is confirmed as Attorney General, after a 53-40 vote in the Senate.⁵²³ Several Senators running for President do not show up for the vote. These include Barack Obama, John McCain, Hillary Clinton, Joe Biden and Chris Dodd.
- November 9, 2007: The Department of Defense announced the transfer of fourteen Guantanamo Bay detainees to Saudi Arabia. According to the release statement approximately 305 detainees remain at Guantanamo Bay.⁵²⁴
- November 18, 2007: British residents Jamil al-Banna and Omar Deghayes are released from Guantanamo Bay prison to Britain. Upon arriving in Britain the two are arrested and prepared for transfer to Spain who has kept open an extradition request since December

⁵¹⁸ Intermingling convening authority and prosecutor roles perpetuates the perception of a rigged process stacked against the accused.

⁵¹⁹ <http://www.washingtonpost.com/wp-dyn/content/article/2007/10/20/AR2007102000179.html>

⁵²⁰ <http://www.washingtonpost.com/wp-dyn/content/article/2007/10/24/AR2007102402639.html>

⁵²¹ <http://www.defenselink.mil/releases/release.aspx?releaseid=11455>

⁵²² <http://feingold.senate.gov/~feingold/statements/07/11/20071106.htm>

⁵²³ <http://www.cnn.com/2007/POLITICS/11/08/mukasey/>

⁵²⁴ <http://www.defenselink.mil/releases/release.aspx?releaseid=11477>

2003. The Extradition request is later dropped and the men are freed one month after arriving in England.⁵²⁵⁵²⁶

December

- December 6, 2007: CIA Director Michael Hayden issues a written statement acknowledging that the CIA recorded videotapes of the interrogations of Abu Zubaydah and a second unidentified detainee (later revealed as Abd al-Rahim al-Nashiri). The video showed CIA officers carrying out harsh interrogation tactics possibly including waterboarding. The video recordings are referred to as “videotapes” as opposed to digital recordings which may be backed up on various hard-drives. These tapes were destroyed in November 2005 at the order of Jose Rodriguez Jr., the former CIA director of clandestine operations.⁵²⁷
- December 12, 2007: The Department of Defense announced the transfer of fifteen Guantanamo Bay detainees. Thirteen detainees were transferred to Afghanistan, and the remaining detainees were sent to Sudan. According to the release statement approximately 290 detainees remain at Guantanamo Bay.⁵²⁸
- December 20, 2007: The Department of Defense announced the transfer of three Guantanamo Bay detainees to the United Kingdom. According to the release statement there are approximately 285 detainees remaining at Guantanamo Bay.⁵²⁹
- December 28, 2007: The Department of Defense announced the transfer of ten Guantanamo Bay detainees to Saudi Arabia. According to the release document approximately 275 detainees remain at Guantanamo Bay.⁵³⁰

2008

January

February

- February 7, 2008: The Center for Policy and Research releases its report entitled “Captured on Tape Interrogation and Videotaping of Detainees in Guantánamo.”⁵³¹
- February 11, 2008: Charges were filed against six detainees including alleged September 11th mastermind Khalid Sheikh Mohammed. The charges included murder and war crimes stemming from the September 11th attacks.⁵³²
- February 13, 2008: The US Senate passes legislation banning waterboarding and other particularly harsh interrogation methods implemented by the CIA. The legislation passed by a narrow vote of 51 to 45. Former prisoner of war Senator John McCain voted against the ban of harsh interrogation techniques.⁵³³
- February 19, 2008: Glenn Fine, the Inspector General responds to a letter from Senators Richard Durbin, and Sheldon Whitehouse requesting an investigation of the role

⁵²⁵ <http://news.bbc.co.uk/1/hi/uk/7153146.stm>

⁵²⁶ <http://www.guardian.co.uk/world/2008/mar/06/spain.uksecurity>

⁵²⁷ <http://www.washingtonpost.com/wp-dyn/content/article/2007/12/06/AR2007120601828.html>

⁵²⁸ <http://www.defenselink.mil/releases/release.aspx?releaseid=11555>

⁵²⁹ <http://www.defenselink.mil/releases/release.aspx?releaseid=11576>

⁵³⁰ <http://www.defenselink.mil/releases/release.aspx?releaseid=11591>

⁵³¹ http://law.shu.edu/publications/guantanamoReports/captured_tape_2708_with_appendix.pdf

⁵³² http://www.pbs.org/newshour/news_summaries/2008/02/summary_11.html

⁵³³ http://www.nytimes.com/2008/02/13/washington/13cnd-cong.html?_r=1&hp&oref=slogin

Department of Justice officials played in authorizing and overseeing the use of waterboarding by the CIA. In the letter, Fine states that the Inspector General's office does not have the jurisdiction to review Department of Justice actions in providing legal advice. She does say that the Office of Professional Responsibility has an ongoing review of the matter.⁵³⁴

March

- March 6, 2008: Responding to a letter by Senator Ron Wyden, Justice Department attorney Brian Benczkowski asserts that the CIA interrogation program is in compliance with US and international law. Senator Wyden's letter "asks whether the humane treatment requirement of Common Article 3 may vary based on the identity of the detainee or the information he is believed to possess." Benczkowski explains that the Constitution always requires detainees to be treated humanely, but argues that the definition of humane is flexible. For example, humane treatment will vary based upon the characteristics of the prisoner, their religious beliefs, health status, age, sex and other factors. The circumstances surrounding their detention may also have an influence. "the fact that an act is undertaken to prevent a threatened terrorist attack, rather than for the purpose of humiliation and abuse, would be relevant to a reasonable observer in measuring the outrageousness of the act."⁵³⁵
- March 8, 2008: President Bush vetoes the February 13, legislation banning harsh interrogation techniques. President Bush states that the veto is necessary to prevent further terrorist attacks from taking place. The military branches under control of the Pentagon are already banned from committing the interrogation tactics which would have been removed from the CIA if the legislation went into effect. The CIA is the only organization under the US government who is not barred from waterboarding and certain other barred acts.⁵³⁶
- March 13, 2008: The Pentagon begins reviewing videotaped interrogations gathered from several US detention facilities. The Pentagon cites the review of at least 50 tapes, some of which originated at Guantanamo Bay, Iraqi facilities, and the Naval brig in Charleston, South Carolina. The South Carolina interrogations include recordings of Jose Padilla and Ali Saleh Kahlah al-Marri. Al-Marri's interrogation recording shows him being forcibly gagged. It remains unknown the extent to which more tapes exist, and the regularity through which recordings were taken.⁵³⁷

April

- April 1, 2008: The American Civil Liberties Union leaks to the public a March 14, 2003 legal memo written by John Yoo, justifying the Pentagon's use of torture during interrogations. In the 81 page memo, Yoo argues that tactics which might otherwise be illegal are permissible where they are performed for the prevention of attacks on the United States.⁵³⁸
- April 11, 2008: President Bush admits to having known that torturous acts were used during the interrogations of high value al Qaeda detainees. Prior to the admission, the

⁵³⁴ http://gulcfac.typepad.com/georgetown_university_law/files/fine.durbin.letter.pdf

⁵³⁵ <http://graphics8.nytimes.com/packages/pdf/washington/20080427-INTEL/letter4.pdf>

⁵³⁶ <http://abcnews.go.com/Politics/wireStory?id=4412601>

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http://www.nytimes.com/2008/03/13/washington/13intel.html?_r=2&ref=middleeast&oref=slogin&oref=slogin

⁵³⁸ http://www.aclu.org/pdfs/safefree/yoo_army_torture_memo.pdf

administration had separated the President from direct knowledge of certain acts carried out.⁵³⁹

May

- May 2008: U.S. Department of Justice Office of the Solicitor General releases “Review of the FBI’s Involvement in and Observations of Detainee Interrogations In Guantanamo Bay, Afghanistan and Iraq.” The report is highly critical of the interrogation techniques.⁵⁴⁰
- May 2, 2008: The Department of Defense announces the transfer of nine Guantanamo Bay detainees. Five detainees are transferred to Afghanistan, three to Sudan, and one to Morocco. According to the release statement approximately 270 detainees remain at Guantanamo Bay.⁵⁴¹

June

- June 5, 2008: Five of the detainees who were held at Guantanamo Bay and were accused of planning the September 11th attacks are arraigned at the facility.⁵⁴²
- June 12, 2008: The United States Supreme Court issues its decision in *Boumediene v. Bush and Al Odah v. United States*. In its decisions, the Court held that detainees imprisoned at the Guantanamo Bay detention facility were entitled to *habeus corpus* to challenge their detention before a federal court.^{543 544}
- June 16, 2008: The Center for Policy and Research releases its report entitled: Justice Scalia, the Department of Defense, and The Perpetuation of an Urban Legend: The Truth about Recidivism of Released Guantánamo Detainees. The report criticized Justice Scalia on relying on incorrect data to support his theory that detainees have a strong history of returning to the battlefield after release in his dissent in the *Boumediene* decision.⁵⁴⁵
- June 30, 2008: Abd Rahim al-Nashiri, a Saudi Arabian national, was charged with planning and preparing for the attack on the USS Cole that killed 17 sailors and wounded 39 others on October 12, 2000 in Yemen. According to the Department of Defense the case is a death penalty case. Al-Nashiri was originally arrested in October 2002 in the United Arab Emirates by the CIA and was transferred to Guantanamo Bay in 2006.⁵⁴⁶

July

- July 15, 2008: Attorneys for a Canadian Guantanamo Bay detainee release the first video of a questioning session. The video shows the sixteen-year-old detainee weeping with his face in his hands.⁵⁴⁷
- July 17, 2008: Federal District Court Judge James Robertson rules that, in the case of Osama Bin Laden’s driver Salim Hamdan’s, a trial by military commission would be unconstitutional and that all appeals must be directed to a civilian court.⁵⁴⁸

⁵³⁹ <http://abcnews.go.com/TheLaw/LawPolitics/story?id=4635175&page=1>

⁵⁴⁰ <http://www.usdoj.gov/oig/special/s0805/final.pdf>

⁵⁴¹ <http://www.defenselink.mil/releases/release.aspx?releaseid=11893>

⁵⁴² <http://www.cnn.com/2008/US/06/05/guantanamo.arraignments/index.html>

⁵⁴³ http://www.swamppolitics.com/news/politics/blog/2008/06/court_sides_with_gitmo_detaine.html

⁵⁴⁴ http://www.nytimes.com/2008/06/13/washington/12cnd-gitmo.html?_r=2&hp&oref=slogin

⁵⁴⁵ http://law.shu.edu/publications/guantanamoReports/urban_legend_final_63008.pdf

⁵⁴⁶ <http://www.defenselink.mil/news/newsarticle.aspx?id=50362>

⁵⁴⁷ <http://news.bbc.co.uk/2/hi/americas/7507216.stm>

⁵⁴⁸ <http://www.usdoj.gov/civil/cases/cobell/transcripts.htm>

- July 21, 2008: The first U.S. military trial for war crimes begins against Osama Bin Laden driver, Salim Hamdan.⁵⁴⁹

August

- August 4, 2008: The Center for Policy and Research at Seton Hall Law releases the report “Profile of Released Guantanamo Detainees: The Government’s Story Then and Now.” The report profiles the release data of detainees at Guantanamo Bay. The study’s findings suggest that nationality correlates to one’s release more than any other characteristic, including one’s lack of association with a terrorist organization. Among the findings of the study are: By November 2006, 45% of all detainees held at Guantanamo Bay were released; 28% of released detainees are alleged members of Al Qaeda, the Taliban or both; Detainees alleged to be fighters were released 57 days earlier than those who were members of terrorist organizations; 71% of the detainees released from Guantanamo Bay are from Afghanistan, Pakistan, and Saudi Arabia. Detainees from these three nations have made up 60% of the prison population; 92% of Pakistani detainees have been released.⁵⁵⁰
- August 7, 2008: Osama Bin Laden’s driver, Salim Hamdan, is sentenced to five and a half years by a military jury. Prosecutor’s had asked for a minimum sentence of thirty years to deter future terrorists.⁵⁵¹

September

- September 2, 2008: The Department of Defense announced the transfer of three detainees from Guantanamo Bay. Two of the detainees were transferred to Afghanistan, and the other to Pakistan. According to the release statement, “The transfer is a demonstration of the United States desire not to hold detainees any longer than necessary. It also underscores the processes put in place to assess each individual and make a determination about their detention while hostilities are ongoing- an unprecedented step in the history of warfare.” The document states that there remain approximately 255 detainees at Guantanamo. Among the remaining detainees are 60 who have been deemed eligible for transfer or release. The Department of Defense holds that “departure of these detainees is subject to ongoing discussions between the United States and other nations.”⁵⁵²⁵⁵³

October

- October 7, 2008: Federal District Judge Ricardo M. Urbina orders the immediate release of all 17 Chinese Muslim Uighurs held at Guantanamo Bay. The 17 men have been in detainment since 2002 and were cleared of all suspicion in 2004. The Uighurs have been held in detainment despite having been cleared of wrongdoing. Their attorneys have long sought protections for the release of the prisoners because they fear persecution or death upon their potential release to China.⁵⁵⁴

⁵⁴⁹ <http://www.msnbc.msn.com/id/25730678/>

⁵⁵⁰ http://law.shu.edu/center_policyresearch/reports/detainees_then_and_now_final.pdf

⁵⁵¹ <http://www.msnbc.msn.com/id/26055301>

⁵⁵² <http://www.globalsecurity.org/security/library/news/2008/09/sec-080902-dod01.htm>

⁵⁵³ <http://www.defenselink.mil/Releases/Release.aspx?ReleaseID=12174>

⁵⁵⁴ <http://www.nytimes.com/2008/10/08/washington/08detain.html?hp>

- October 8, 2008: The Department of Defense announced the transfer of two Guantanamo Detainees to Algeria and Sudan. According to the release statement there are approximately 255 detainees remaining at Guantanamo Bay.⁵⁵⁵⁵⁵⁶
- October 21, 2008: Military prosecutors drop the charges against detainees Noor Uthman Muhammed, Binyam Mohamed, Sufyiam Barhoumi, Ghassan Abdullah al Sharbi, and Jabran Said Bin al Qahtani. The military reserved the right to recharge the detainees and did not intend to release the men.⁵⁵⁷

November

- November 3, 2008: A U.S. military tribunal convicts Bin Ladin's secretary Ali Hamza al Bahlul to life imprisonment for his involvement with the September 11th attacks.⁵⁵⁸ He begins to serve his sentence in Guantanamo Bay.⁵⁵⁹
- November 4, 2008: One detainee is released to Somaliland.⁵⁶⁰
- November 11, 2008: Two Algerians transferred to Algeria.⁵⁶¹
- November 18, 2008: The chief military judge at Guantanamo Bay, Colonel Ralph H. Kohlmann, announces his retirement. Colonel Stephen Henley was to take over Kohlmann's responsibilities.⁵⁶²
- November 20, 2008: A federal judge orders the release of five Algerian detainees who had been held for almost seven years. The court held that detainees could not be held indefinitely as military combatants.⁵⁶³
- November 25, 2008: U.S. military decides to transfer Osama Bin Laden's driver, Salim Hamdan, to finish his prison term in his home country of Yemen. Hamdan had been detained in Guantanamo Bay for over seven years.⁵⁶⁴

December

- December 5, 2008: The U.S. Supreme Court agrees to review the use of the Enemy Combatant status by agreeing to hear Ali al-Marri's case. Ali al-Marri is the only enemy combatant on U.S. soil. The government contends that Ali al-Marri is an al-Qaeda sleeper agent.⁵⁶⁵
- December 9, 2008: Families of 9-11 victims were first allowed to witness legal proceedings against suspected terrorists. Specifically, they watched Walid Muhammad Salih Mubarak bin Attash and Ali Abdul Aziz Ali submit guilt pleas before a military commission.⁵⁶⁶

⁵⁵⁵ <http://www.defenselink.mil/Releases/Release.aspx?ReleaseID=12275>

⁵⁵⁶ <http://www.globalsecurity.org/security/library/news/2008/10/sec-081008-dod01.htm>

⁵⁵⁷ http://www.usatoday.com/news/world/2008-10-21-gitmo_N.htm

⁵⁵⁸ <http://www.reuters.com/article/topNews/idUSTRE49R5OZ20081103>

⁵⁵⁹ <http://www.washingtonpost.com/wp-dyn/content/article/2008/11/03/AR2008110302913.html>

⁵⁶⁰ <http://projects.washingtonpost.com/guantanamo/timeline/>

⁵⁶¹ <http://projects.washingtonpost.com/guantanamo/timeline/>

⁵⁶² <http://www.washingtonpost.com/wp-dyn/content/article/2008/11/17/AR2008111703036.html>

⁵⁶³ <http://english.aljazeera.net/news/americas/2008/11/2008112017273323533.html>

⁵⁶⁴ <http://www.washingtonpost.com/wp-dyn/content/article/2008/11/24/AR2008112403159.html>

⁵⁶⁵ <http://www.usnews.com/articles/news/national/2008/12/05/supreme-court-agrees-to-review-bush-administrations-use-of-enemy-combatant-status.html>

⁵⁶⁶ <http://www.defenselink.mil/news/newsarticle.aspx?id=52242>

- December 16, 2008: Brookings Institution releases report titled: “The Current Detainee Population of Guantánamo” which analyzes both the detainees that remained at Guantanamo Bay at the time of publication and those released.⁵⁶⁷
- December 16, 2008: Three detainees (previously referred to as the Algerian Five) are transferred to Bosnia. The DC District Court previously ruled these men as “releaseable.”⁵⁶⁸
- An Empirical Study
- December 18, 2008: Defense Secretary Gates requested a proposal to shut down the Guantanamo Bay detention center to anticipate a request to close to facility from President-Elect Obama.⁵⁶⁹
- December 27, 2008: Salim Hamdan is freed from jail in Yemen.⁵⁷⁰

2009

January

- January 14, 2009, Susan Crawford, nominated by Defense Secretary Gates as convening authority of military commissions, states that detainee Mohammed al-Qahtani was tortured under the legal definition.⁵⁷¹
- January 15, 2009: The Center for Policy and Research publishes “Released Guantánamo Detainees and the Department of Defense: Propaganda By the Numbers?” The report disproved government findings that claimed many detainees return to the battlefield.⁵⁷²
- January 17, 2009: Four detainees are transferred to Iraq, One detainee is transferred to Algeria, and one detainee is transferred to Afghanistan.⁵⁷³
- January 20, 2009: Barack Obama is inaugurated.

⁵⁶⁷ http://www.brookings.edu/reports/2008/1216_detainees_wittes.aspx

⁵⁶⁸ <http://www.washingtonpost.com/wp-dyn/content/article/2008/12/15/AR2008121502479.html>

⁵⁶⁹ <http://www.defenselink.mil/news/newsarticle.aspx?id=52395>

⁵⁷⁰ http://news.bbc.co.uk/2/hi/middle_east/7824028.stm

⁵⁷¹ <http://www.washingtonpost.com/wp-dyn/content/article/2009/01/13/AR2009011303372.html>

⁵⁷² http://law.shu.edu/publications/guantanamoReports/propaganda_numbers_11509.pdf

⁵⁷³ <http://projects.washingtonpost.com/guantanamo/timeline/>