



# TIMELINE

## END ILLEGAL US DETENTIONS

THE FIRST DETAINEES WERE  
FLOWN TO GUANTÁNAMO IN  
JANUARY 2002 HOODED,  
SHACKLED AND TIED DOWN  
LIKE CARGO

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### 2001

#### 11 September

Nearly 3,000 people are killed when four hijacked planes are crashed into the World Trade Center in New York, the Pentagon, and a field in Pennsylvania.

#### 14 September

Congress passes a resolution giving the President unprecedented authorization to use force against “nations, organizations and individuals” whom he determined were connected in any way with the attacks or with future acts of international terrorism.

#### 17 September

President George W Bush signs a memorandum apparently authorizing the CIA to set up detention facilities outside the USA and containing specific information relating to the sources and methods by which the CIA was to implement this detention programme. This memorandum remains classified.

#### 7 October

The USA leads military action against the Taliban government and members of al-Qa'ida in Afghanistan.

#### 13 November

President Bush issues a military order on the “Detention, Treatment and Trial of Certain Non-Citizens, in the War Against Terrorism”, authorizing the Pentagon to hold non-US citizens in indefinite custody without charge. The order prohibits any detainee held under it from seeking any remedy in any proceeding in any US, foreign or international court. If any detainee were to be tried, the trial would be by military commission – an executive body, not an independent or impartial court.

#### 28 December

A memorandum from the Justice Department to the Pentagon advises that because Guantánamo Bay is not sovereign US territory, the federal courts should not be able to consider habeas corpus petitions from “enemy aliens” detained at the base.

“  
WE HAVE BEEN IGNORED,  
LOCKED UP IN THE MIDDLE OF  
THE OCEAN FOR FOUR YEARS  
Guantánamo detainee Shaker Aamer, 2005

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## 2002

### 11 January

The first detainees are transferred to Guantánamo from Afghanistan and are held in wire mesh cages in an area known as Camp X-Ray.

### 7 February

President Bush signs a memorandum stating that no Taliban or al-Qa'ida detainee will qualify as a prisoner of war and that Article 3 common to the four Geneva Conventions (common Article 3) will not apply to them either. Common Article 3 requires fair trial standards and prohibits torture, cruelty and “outrages upon personal dignity, in particular humiliating and degrading treatment”.

### 28 April

Detainees are moved from Camp X-Ray to Camp Delta in Guantánamo.

### 1 August

A memorandum from the Justice Department to then White House Counsel Alberto Gonzales advises that the President can authorize torture, that interrogators may cause severe pain before crossing the threshold to torture, and that there is a wide range of acts that might amount to cruel, inhuman or degrading treatment which would not amount to torture and therefore not be prosecutable under US law prohibiting torture by US agents outside the USA. Even if torture did occur, the memorandum argues, the theory of “necessity” or “self-defence” could be used to eliminate any criminal liability.

### 1 August

An 18-page Justice Department memorandum advises the CIA on the legality of “alternative interrogation methods”. This memorandum remains classified.

### 2 December

Secretary of Defense Donald Rumsfeld approves interrogation techniques for discretionary use at Guantánamo that include hooding, stripping, sensory deprivation, isolation, stress positions and the use of dogs to “induce stress”. He rescinds this blanket approval six weeks later, stating that his authorization of such techniques is to be sought on a case-by-case basis.

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## 2003

### April

Secretary Rumsfeld authorizes interrogation techniques including isolation, “environmental manipulation” (such as adjusting temperature) and “sleep adjustment”. Additional techniques may be requested on a case-by-case basis.

### June

Qatari national Ali Saleh Kahlal al-Marri is declared an “enemy combatant” and transferred from the US criminal justice system to military custody in South Carolina.

### 3 July

The Pentagon announces that President Bush has made six Guantánamo detainees eligible for trial by military commission. Two of the six are subsequently released without charge or trial to the UK.

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## 2004

### May

Four years after the UN Committee against Torture criticized the “excessively harsh” regime of the USA’s “supermax” security prisons, Guantánamo’s Camp 5 is completed, modelled on the “supermax” prisons.

## 28 June

The US Supreme Court rules in *Rasul v Bush* that US courts can consider challenges to the legality of the detention of the Guantánamo detainees.

## 7 July

The Pentagon announces the formation of the Combatant Status Review Tribunals (CSRTs) – panels of three military officers who will review whether Guantánamo detainees are “properly detained” as “enemy combatants”. The CSRTs are allowed to rely on classified or coerced evidence against detainees denied legal representation and presumed to be “enemy combatants”, unless they prove otherwise.

## 14 September

Administrative Review Boards, similar to CSRTs, are established to conduct “discretionary” annual reviews to determine if detainees should continue to be held by the USA.

## November

A challenge brought on behalf of Yemeni detainee Salim Ahmed Hamdan in federal court leads to the suspension of military commission pre-trial proceedings.

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# 2005

## 25 May

Amnesty International calls for Guantánamo to be closed. The call is subsequently joined by UN experts, former US Presidents Carter and Clinton, heads of state from Europe and elsewhere, and other human rights and legal organizations.

## 30 December

President Bush signs into law the Detainee Treatment Act (DTA) of 2005, which bans the use of cruel, inhuman or degrading treatment (as defined in US rather than international law) but severely curtails the right of Guantánamo detainees to judicial review of the lawfulness or conditions of their detention.

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# 2006

## 10 June

Three detainees die at the Guantánamo facility, apparently after committing suicide.

## 29 June

The US Supreme Court, in *Hamdan v Rumsfeld*, rules that the military commissions as constituted under the 2001 Military Order violate US and international law. The Court also rules that common Article 3 does apply, reversing the 2002 presidential determination. The Court holds that the DTA did not strip federal courts of jurisdiction over habeas corpus petitions that were pending when the DTA was enacted.

## 6 September

President Bush announces the transfer to Guantánamo of 14 detainees who had been held in secret CIA custody for up to four and a half years.

## 17 October

President Bush signs into law the Military Commissions Act (MCA), which purports to strip the US courts of jurisdiction to hear habeas corpus appeals from any foreign national held as an “enemy combatant” in US custody anywhere in the world. The MCA also authorizes the President to establish a revised system of military commissions to try such detainees and narrows the scope of the USA’s War Crimes Act by not expressly criminalizing common Article 3’s prohibition on unfair trials or “outrages upon personal dignity, in particular, humiliating and degrading treatment”. President Bush announces that the Act will allow the CIA’s secret detention programme to continue.

## 13 December

A federal judge dismisses Salim Ahmed Hamdan’s habeas corpus petition on the grounds that the MCA strips the federal courts of jurisdiction to consider such appeals.

“THE STATE PARTY SHOULD  
CEASE TO DETAIN ANY PERSON  
AT GUANTÁNAMO

UN Committee against Torture, July 2006

THE FIFTH ANNIVERSARY  
OF THE FIRST TRANSFERS TO  
GUANTÁNAMO IS MARKED BY  
ACTIVISTS AROUND THE  
WORLD STAGING  
DEMONSTRATIONS AND  
OTHER ACTIVITIES CALLING  
ON THE US AUTHORITIES TO  
CLOSE GUANTÁNAMO

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## 2007

### 20 February

The US Court of Appeal rules in *Boumediene v Bush* that federal courts lack jurisdiction under the MCA to hear habeas corpus appeals from Guantánamo detainees.

### 30 March

Australian national David Hicks becomes the first Guantánamo detainee to be convicted by military commission. Under a pre-trial agreement he pleads guilty to “providing material support for terrorism” and is sentenced to nine months’ imprisonment which he will serve in Australia.

### 27 April

The Pentagon announces that it has transferred Iraqi national ‘Abd al-Hadi al-Iraqi to Guantánamo. Prior to his transfer he had been held in secret CIA custody.

### 4 June

Charges against two Guantánamo detainees – Omar Khadr, a Canadian national, and Salim Ahmed Hamdan, a Yemeni national – are dismissed during military commission arraignment proceedings as both had been designated “enemy combatants” rather than “unlawful enemy combatants” as required under the MCA. The government wins an appeal against this decision in the newly established Court of Military Commission Review, and proceedings against Omar Khadr and Salim Ahmed Hamdan resume in November and December.

### 7 June

Amnesty International and five other human rights organizations publish the names and details of 39 people who are believed to have been held in secret CIA custody and whose current whereabouts remain unknown.

### 11 June

A three-judge panel of the US Court of Appeal for the Fourth Circuit rules that the military detention of Ali Saleh Kablah al-Marri must end because “the President lacks the power to order the military to seize and indefinitely detain” him. The Court finds that, as a legal resident in the USA, Ali al-Marri was entitled to certain constitutional protections, including the right not to be deprived of his liberty without due process of law. The full Court subsequently agrees to rehear the case, and oral arguments are presented on 31 October. Ali al-Marri remains in indefinite military detention.

### 29 June

The US Supreme Court agrees to take the *Boumediene v Bush* case.

### 20 July

President Bush issues an executive order authorizing and endorsing secret detention. The order determines that common Article 3 applies to the CIA’s secret detention programme and states that the CIA programme will fully comply with the obligations of the USA under common Article 3, provided that “the conditions of confinement and interrogation practices of the programme” remain within the limits set out in it.

### 9 August

The Pentagon announces that the CSRTs had determined that all 14 detainees transferred to Guantánamo in September 2006 met the criteria for designation as “enemy combatants”.

### 16 October

The Pentagon announces that it is granting a lawyer access to Majid Khan, one of the 14 transferred from secret CIA custody in September 2006.

### 5 December

The US Supreme Court hears oral argument in the *Boumediene v Bush* case.

COUNTER TERROR  
WITH JUSTICE

AMNESTY  
INTERNATIONAL



**Amnesty International** is a global movement of 2.2 million people in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

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