

CLOSE GUANTÁNAMO

Amnesty International December 2006

USA

Guantánamo timeline

2001

11 September – Nearly 3,000 people are killed when four hijacked planes are crashed into various sites, including the World Trade Center in New York.

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.

7 October – The USA leads military action against the Taleban 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 – Memorandum from 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.

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 memorandum stating that no Taleban or al-Qa’ida detainee will qualify as a prisoner of war and that Article 3 common to the four Geneva Conventions 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.”

5 April – Detainee Yaser Esam Hamdi is moved out of Guantánamo to military custody on the mainland after he is discovered to have US nationality.

28 April – Detainees are moved from Camp X-Ray to Camp Delta.

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 are 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.

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.

2003

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

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

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 V 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 – panels of three military officers allowed to rely on classified or coerced evidence against detainees denied legal representation and presumed to be “enemy combatants”, broadly defined, unless they prove otherwise.

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.

2005

25 May – AI 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 of 2005, which bans the use of cruel, inhuman or degrading treatment of detainees but severely curtails the right of Guantánamo detainees to judicial review of the lawfulness or conditions of their detention.

2006

10 June – Three detainees die at the 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 to the Geneva Conventions does apply, reversing the 2002 presidential determination.

6 September – President Bush announces the transfer to Guantánamo of 14 detainees who had been held in secret CIA detention centres (“black sites”).

17 October – President Bush signs into law the Military Commissions Act (MCA), which strips 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; authorizes the President to establish new 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.

October/November – The government seeks to have all pending habeas corpus petitions filed on behalf of Guantánamo detainees prior to the passage of the MCA, thrown out of court. The government argues on national security grounds that whatever the 14 newly transferred detainees know about the CIA programme – including interrogation techniques and the location of secret facilities – must not be revealed.

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AI Index: AMR 51/185/2006

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