

Timeline (Guantánamo and Washington) 2002-2004

Based on the Report of the Committee on Armed Services United States Senate
“Inquiry into the Treatment of Detainees in U.S. Custody” from 20 November 2008¹

Date	Event
Jan 2002	The first detainees are taken to the Detention Center in Guantánamo Bay. The Detention Center is run by Joint Task Force 160 (JTF 160, under Commander Rick Baccus); the intelligence operations are run by Joint Task Force 170 (JTF-170, under Commander Michael Dunlavey). [Based on open source information additional to the Senate Report]
9 Jan 2002	The Department of Justice sends a memorandum, written by the Office of the Legal Counsel Deputy Assistant Attorney General John Yoo and Special Counsel Robert Delahunty, to the Department of Defense General Counsel William "Jim" Haynes II. The memo advises that the Third Geneva Convention on Prisoners of War does not apply to the conflict with al Qaeda or the Taliban and accordingly, do not protect al Qaeda or Taliban detainees.
17 Jan 2002	The French national Mourad Benchellali is taken to Guantánamo.
18 Jan 2002	The White House Counsel Alberto Gonzales advises President George W. Bush of the opinion of the Department of Justice that the Third Geneva Convention is inapplicable to the conflict with al Qaeda or the Taliban.
19 Jan 2002	The Secretary of Defense Donald Rumsfeld sends a memorandum to the Chairman of the Joint Chiefs of Staff Richard Myers, instructing him to inform the Combatant Commands that al Qaeda and Taliban members are not entitled to the prisoner of war status under the Geneva Conventions.
21 Jan 2002	Chairman of the Joint Chiefs of Staff Richard Myers informs the Combatant Commanders that al Qaeda and Taliban members are not entitled to the prisoner of war status under the Geneva Conventions.
7 Feb 2002	President George W. Bush signs a memorandum directed to US Armed Forces, declaring that al Qaeda and Taliban members are not entitled to the protections under the Geneva Conventions or prisoner of war status under the Geneva Conventions, designating them as “unlawful combatants” instead.
13 Feb 2002	The French national Khaled Ben Mustapha is taken to Guantánamo.
15 Feb 2002	The French national Nizar Sassi is taken to Guantánamo.

¹ The SASC Report is available at: <http://documents.nytimes.com/report-by-the-senate-armed-services-committee-on-detainee-treatment>

June 2002	<p>A team of psychologists and a psychiatric technician (including psychiatrist Paul Burney) of the Army's 85th Medical Detachment's Combat Stress Control Team is deployed to Guantánamo. The members of the team are to support the newly established "Behavioral Science Consultation Team" (BSCT) at Guantánamo. The tasks of BSCT include: consulting on interrogation techniques, conducting detainee file reviews to construct personality profiles and provide recommendations for interrogation strategies; observing interrogations and providing feedback to interrogators on detainee behavior and possible strategies for further interrogation; and providing consultation/training on specific behavioral science techniques that promote productive interrogation.</p>
1 Aug 2002	<p>The Department of Justice issues two legal opinions, drafted by the Office of the Legal Counsel Deputy Assistant Attorney General John Yoo, signed by the Assistant Attorney General Bybee.</p> <p>The first memorandum presents the Office of the Legal Counsel's narrow interpretation of torture. According to the memo, torture consists of "only extreme acts" and that in order to constitute torture, physical pain would have to be equivalent in intensity to "serious physical injury, such as organ failure, impairment of bodily functions or even death."</p> <p>The second memorandum contains advice to the CIA on certain interrogation methods, concluding they are lawful, including waterboarding. The memo is released in response to CIA's request for legal guidance on specific interrogation. According to Acting CIA General Counsel John Rizzo, the techniques analyzed in the memo were provided by his office.</p> <p>Before drafting the 1 August 2002 opinions, the Department of Justice Deputy Assistant Attorney General Yoo had met with Counsel to the President Alberto Gonzales and Counsel to the Vice-President David Addington to discuss the subjects he intended to address.</p>
16 Sept 2002	<p>Three members of BSCT and four Guantánamo interrogators fly to the United States to receive training from the Joint Personnel Recovery Army under the U.S. Joint Forces Command and the Department of Defense. The Joint Personnel Recovery Army is a governmental agency whose expertise lies in training American soldiers to withstand interrogation techniques considered illegal under the Geneva Conventions: the military Survival Evasion Resistance and Escape (SERE) training. During the resistance training, soldiers are exposed to physical and psychological pressures (SERE techniques), designed to simulate conditions to which they might be subjected if taken prisoner by enemies. The SERE techniques include removal of clothing, stress positions, putting hoods over heads, disrupting sleep, subjection to loud music and flashing lights, exposure to extreme temperatures, face and body slaps and waterboarding. Among the techniques taught to Guantánamo personnel are also invasion of personal space by a female, solitary confinement, use of individual fears/ phobias, hooding and ear muffs, and the use of dogs.</p>
25 Sept 2002	<p>The Counsel to the President Alberto Gonzales, the Counsel to the Vice President David Addington, Department of Defense General Counsel William Haynes, Acting CIA General Counsel John Rizzo, and Assistant Attorney General of the Criminal Division Michael Chertoff travel to Guantánamo Bay, where they are briefed on future plans for detention facilities and intelligence operations at Guantánamo.</p>

2 Oct 2002	<p>Upon request from JTF-170 Director for Intelligence Jerald Phifer, the BSCT team develops memorandum of a draft interrogation policy for Guantánamo. The memorandum proposes three categories of interrogation techniques to promote cooperation, and counter resistance of detainees (the first category being the least aggressive, the third category the most aggressive).</p> <p>The BSCT psychologist Paul Burney explained that some of the interrogation approaches identified in the memo come from BSCT's training of the Joint Personnel Recovery Army on SERE techniques and other approaches were "simply made up" by the BSCT.</p> <p>The first category includes the use of incentives and telling a detainee he will be at Guantánamo forever, unless he cooperated.</p> <p>The second category includes stress positions; the use of isolation for up to 30 days or longer; depriving a detainee of food for up to 12 hours; the use of back-to-back 20 hour interrogations once a week; removal of all comfort items including religious items; forced grooming; handcuffing; and placing a hood on a detainee.</p> <p>The third category contains the daily use of 20 hour interrogations; the use of strict isolation without the right of visitation by treating medical professionals or the International Committee of the Red Cross; the use of food restriction for 24 hours once a week; the use of scenarios designed to convince the detainee he might experience a painful or fatal outcome; non-injurious physical consequences; removal of clothing; and exposure to cold weather or water.</p>
2 Oct 2002	<p>A "Counter Resistance Strategy Meeting" takes place at Guantánamo between the BSCT members, JTF-170 Staff Judge Advocate Diane Beaver, JTF-170 Director for Intelligence Jerald Phifer, Chief of JTF Interrogation Control Element David Becker and the Chief Counsel to the CIA's Counter Terrorist Center Jonathan Fredman to discuss the BSCT memorandum dated the same day. Further discussions include sleep deprivation and the "wet towel" technique.</p> <p>During the meeting, an aggressive interrogation plan of the high value detainee Mohammed al Khatani (aka Mohammed al Qahtani) is discussed. His interrogation by JTF 170 personnel begins the same day and lasts until 10 October 2002. Sleep deprivation, dogs, loud music, bright lights and body placement discomfort are used.</p>
9 Oct 2002	<p>JTF 160 Commander BG Rick Baccus is removed from his position at Guantánamo.</p>
11 Oct 2002	<p>JTF-170 Director for Intelligence Jerald Phifer sends a memorandum to JTF-170 Commander Michael Dunlavey requesting approval to use "counter-resistance" interrogation techniques. The memo was largely drawn from the BSCT 2 October 2002 memorandum and requested approval for three Categories of techniques:</p> <p>Category I proposes yelling at the detainee and using certain "techniques of deception," such as using multiple interrogators or having an interrogator "identify himself as a citizen of a foreign nation or as an interrogator from a country with a reputation for harsh treatment of detainees."</p> <p>Category II techniques are more aggressive and include several techniques</p>

	<p>similar to those used in SERE schools, such as stress positions, isolation, deprivation of light and auditory stimuli, using a hood during transport and questioning, removal of clothing, and using detainees' individual phobias to induce stress.</p> <p>Category III techniques are the most aggressive and include the use of scenarios designed to convince the detainee that death or severely painful consequences were imminent for him and/or his family; exposure to cold weather or water; the use of a wet towel and dripping water to induce the misperception of suffocation; and the use of mild, non-injurious physical contact such as grabbing, poking in the chest with the finger, and light pushing.</p> <p>JTF-170 Staff Judge Advocate Diane Beaver provides a legal memo, approving the requested techniques and constituting they do not violate federal law.</p> <p>JTF-170 Commander Dunlavey, adding his own approval, submits the memorandum and Diane Beaver's legal analysis to the Commander of the U.S. Southern Command (SOUTHCOM) General James Hill for approval by the chain of command.</p>
25 Oct 2002	<p>SOUTHCOM Commander James Hill forwards JTF-170 Commander Michael Dunlavey's 11 October 2002 request (for three categories of interrogation techniques) to the Chairman of the Joint Chiefs of Staff Richard Myers.</p> <p>The Legal Counsel to the Chairman of the Joint Chiefs of Staff Jane Dalton starts to develop a critical legal review of the request, but the Department of Defense General Counsel William Haynes and Chief of the Joint Chiefs of Staff Richard Myers stop her critical review.</p>
1-7 Nov 2002	<p>The Joint Staff asks the military services to comment on the 11 October 2002 memo from Guantánamo (request for three categories of interrogation techniques). The military services from Joint Staff (Air Force, Marine, and Army) express concerns about legality of techniques requested in the memorandum, concluding some could be construed as torture.</p>
Nov 2002	<p>JTF 160 and JTF 170 are merged into a single Joint Task Force Guantánamo (JTF-GTMO) running detention and intelligence operations at Guantánamo. [Based on open source information additional to the Senate Report]</p>
Nov 2002	<p>Geoffrey Miller becomes new commander of JTF-GTMO (replacing Michael Dunlavey). SOUTHCOM Commander James Hill authorizes Geoffrey Miller to speak directly to the Joint Staff and the Department of Defense. Geoffrey Miller briefs Deputy Secretary of Defense Paul Wolfowitz regularly on Guantánamo operations.</p> <p>The Director for Intelligence Jerald Phifer informs Miller about the pending 11 October 2002 request for three categories of interrogation techniques.</p>
12 Nov 2002	<p>A draft interrogation plan for the detainee Mohammed al Khatani is approved by JTF-GTMO Commander Geoffrey Miller. The draft plan includes techniques from Category II and III. The SOUTHCOM Commander James Hill gives approval for the use of all Category I and II techniques on Mohammed al Khatani.</p>

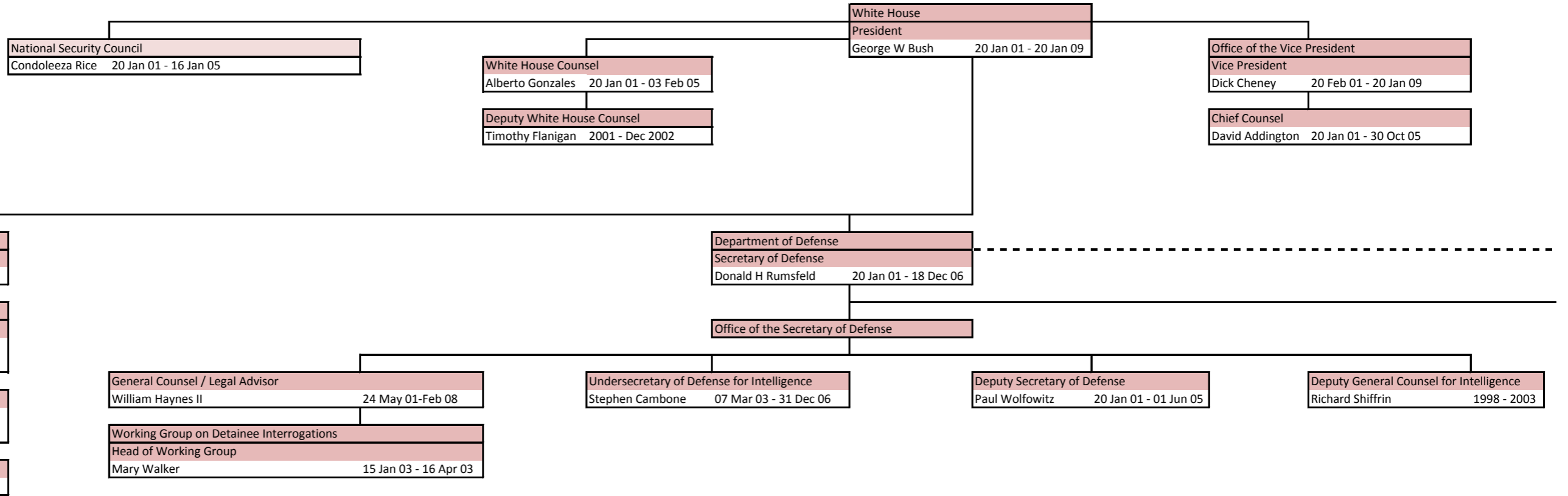
22 Nov 2002	<p>JTF-GTMO Commander Geoffrey Miller authorizes a final interrogation plan for Mohammed al Khatani, including SERE techniques and the possibility of the detainee's rendition to another country.</p> <p>The next day, the interrogation of Mohammed al Khatani resumes, including techniques such as stripping, forced grooming, invasion of space by a female interrogator, using a military working dog, and forcing to pray to an idol shrine. The interrogations last at least until 15 January 2003.</p>
27 Nov 2002	<p>The Department of Defense General Counsel William Haynes sends a memorandum to Secretary of Defense Donald Rumsfeld recommending that the Secretary authorize the Commander of SOUTHCOM to employ all Category I and II techniques and one Category III technique (mild, non-injurious physical contact) as requested in the 11 October 2002 memo from Guantánamo. William Haynes's memo states that he had discussed the issue with Deputy Secretary of Defense Paul Wolfowitz, Undersecretary of Defense for Policy Doug Feith, and Chairman of the Joint Chiefs of Staff General Richard Myers and that they concurred with his recommendation.</p>
Dec 2002	<p>Ted Moss becomes JTF-GTMO Interrogation Control Element Chief (replacing David Becker).</p>
2 Dec 2002	<p>The Secretary of Defense Donald Rumsfeld approves the interrogation techniques as recommended by Department of Defense General Counsel William Haynes on 27 November 2002 (all Category I and II techniques and one Category III technique). The Secretary of Defense adds a handwritten note at the bottom of the memo that questioned one of the limitations in request (the use of stress positions (like standing) for a maximum of four hours): "However, I stand for 8-10 hours a day. Why is standing limited to 4 hours?"</p> <p>The techniques authorized include: stress positions, removal of clothing, dogs, deprivation of light and auditory stimuli, 20 hour interrogations, forced grooming, and grabbing, pushing and poking detainees.</p>
17 Dec 2002	<p>Richard Sanders replaces Director of Intelligence Jerald Phifer. His position is now called Commander of Joint Intelligence Group, a unit which was newly established under JTF-GTMO.</p>
18 Dec 2002	<p>A "JTF-GTMO 'SERE' Interrogation Standard Operating Procedure" is drafted, including the techniques authorized by the Secretary of Defense on 2 December 2002, such as stress positions, non-injurious physical contact, removal of clothing, and hooding. The draft is unsigned, but contains signature blocks for the JTF-GTMO's new Interrogation Control Element Chief Ted Moss, the new Joint Intelligence Group Commander Richard Sanders, and the JTF-GTMO Commander Geoffrey Miller.</p>
18 Dec 2002	<p>Navy General Counsel Alberto Mora meets with Naval Criminal Investigative Service Chief Psychologist Dr. Michael Gelles, who provides Alberto Mora with excerpts of interrogation logs reflecting detainee mistreatment. Subsequently, Alberto Mora meets with Army General Counsel Steven Morello, who provides him with the 11 October 2002 request from Guantánamo and the Secretary of Defense's authorization of the requested interrogation techniques.</p>
19 Dec 2002	<p>Navy General Counsel Alberto Mora meets with the Department of Defense General Counsel William Haynes and advises him that in his view some of</p>

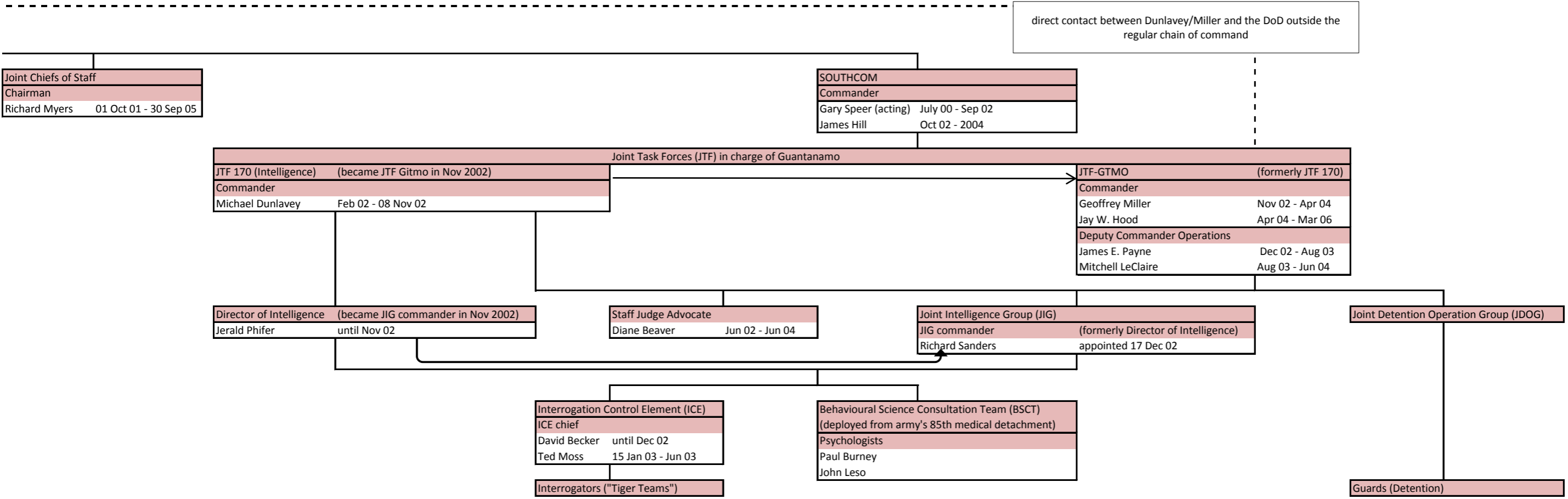
	the authorized interrogation techniques for Guantánamo could rise to the level of torture.
31 Dec 2002 –3 Jan 2003	SERE specialists (SERE instructors John F. Rankin and Christopher Ross) provide training in SERE techniques for JTF-GTMO interrogators and other personnel from the Interrogation Control Element at Guantánamo.
9 Jan 2003	Second meeting between Navy General Counsel Alberto Mora and Department of Defense General Counsel William Haynes: Mora leaves a legal memo with Haynes, which declares the illegality of some of the techniques authorized by Secretary of Defense Donald Rumsfeld.
15 Jan 2003	Navy General Counsel Alberto Mora delivers another draft memorandum to Department of Defense General Counsel William Haynes on the illegality of techniques of Category II and III, concluding again those techniques could constitute torture. In a subsequent phone call, Haynes informs Mora, that the Secretary of Defense Rumsfeld considers rescinding his authorization of the interrogation techniques.
15 Jan 2003	Secretary of Defense Donald Rumsfeld issues a memorandum to the SOUTHCOM Commander James Hill rescinding blanket authority for category II and III techniques at Guantánamo. Following the Secretary of Defense’s withdrawal of the category II and III techniques, category I techniques continue to be in use at Guantánamo, such as yelling and techniques of deception.
15 Jan 2003	Secretary of Defense Donald Rumsfeld directs the Department of Defense General Counsel Haynes to set up a "Detainee Interrogation Working Group" within the Department of Defense to assess the issues relating to the interrogations of detainees held by the U.S. Armed Forces in the “war on terrorism“.
16 Jan 2003	Despite the Secretary of Defense’s withdrawal of the interrogation techniques of category II and III, JTF-GTMO produces a memo suggesting an interrogation plan for the detainee Mohamadou Walid Slahi which mirrored the interrogation techniques used on Mohammed al Khatani, including the use of dogs, the use of water, pride and ego down, forced grooming, denial of prayer, loud music and isolation.
17 Jan 2003	Department of Defense General Counsel Haynes sets up a “Detainee Interrogation Working Group” (Working Group) under the leadership of Mary Walker, who solicits information about interrogation techniques from the Combatant Commands.
21 Jan 2003	JTF-GTMO commander Geoffrey Miller sends SOUTHCOM Commander General Hill a memo – to pass on to the Working Group – on the effectiveness of the techniques which had been rescinded by Secretary of Defense Donald Rumsfeld on January 15, 2003. Miller lists nine techniques “essential to mission success”: use of an isolation facility; interrogating the detainee in an environment other than the standard interrogation room; varying levels of deprivation of light and auditory stimuli; the use of up to 20-hour interrogations; the use of a hood; removal of all comfort items (including religious items); serving of meals ready to eat (MREs) instead of hot rations; forced grooming; and the use of false documents and reports.

23 Jan 2003	<p>First Meeting of the “Detainee Interrogation Working Group”.</p> <p>Former JTF-GTMO Interrogation Control Element Chief David Becker (by then working at the governmental Defense Intelligence Agency) gives an overview of the interrogation techniques. Becker compiles a list of 36 interrogation techniques for the Group, including all category I – III techniques from the October 2, 2002 request from Guantánamo.</p> <p>The Group also receives a legal briefing from the Department of Justice.</p>
25 Jan 2003	<p>In its first draft analysis of interrogation techniques, the Working Group expresses concerns about legality of some category II and most category III techniques.</p>
Feb2003	<p>The Working Group receives a draft memorandum from the Office of Legal Counsel at the Department of Justice, written by Deputy Assistant Attorney General John Yoo. (The final version of the memo is dated 14 March 2003 and adopts the narrow definition of torture previously defined in the 1 August 2002 memo by the Department of Justice.) Despite disagreements on the Office of Legal Counsel draft memo among the Working Group members, Working Group leader Mary Walker – at William Haynes's direction – instructs the Working Group to consider the Office of Legal Counsel memorandum as authoritative.</p>
11 Mar 2003	<p>A meeting takes place to discuss interrogation techniques, attended by Secretary of Defense Donald Rumsfeld, SOUTHCOM Commander James Hill, and Chairman of the Joint Chiefs of Staff Richard Myers.</p>
14 Mar 2003	<p>A memorandum from the Office of Legal Counsel at the Department of Justice, written by Deputy Assistant Attorney General John Yoo, is released. Similar to the 1 Aug 2002 memo by the Department of Justice, it narrows the scope of what constitutes torture under federal law and concludes that the federal anti-torture statute is inapplicable to the military during the conduct of a war. The Office of Legal Counsel concludes that the anti-torture statutes do not apply to the "properly-authorized interrogation of enemy combatants by the United States Armed Forces during an armed conflict.”</p>
28 Mar 2003	<p>Secretary of Defense Donald Rumsfeld meets with senior advisors including Deputy Secretary Paul Wolfowitz, Department of Defense General Counsel William Haynes, and Chairman of the Joint Chiefs of Staff Richard Myers, to discuss the interrogation techniques considered by the Working Group.</p>
4 Apr 2003	<p>The Department of Defense issues the "Working Group Report on Detainee Interrogations in the Global War on Terrorism: Assessment of Legal, Historical, Policy and Operational Consideration”. In the report, the Working Group recommends 24 (out of 35 reviewed) interrogation techniques.</p>
5 Apr 2003	<p>The Chairman of the Joint Chiefs of Staff Richard Myers forwards a memo proposing that Secretary of Defense Donald Rumsfeld authorize 24 of the interrogation techniques reviewed during the Working Group process.</p>
10 Apr 2003	<p>The Principal Deputy Assistant Secretary of Defense for Special Operations/ Low-Intensity Conflict Marshall Billingslea sends a memo to the Secretary of Defense raising concerns about the omission of certain techniques and recommending that the Secretary approve all 35 interrogation techniques endorsed by the Working Group.</p>

16 Apr 2003	<p>The Secretary of Defense Donald Rumsfeld issues a memorandum, authorizing the Commander of SOUTHCOM to use 24 interrogation techniques suggested by Working Group, among those dietary manipulation, environmental manipulation, sleep adjustment, incentive/removal of incentive, pride and ego down, and isolation.</p> <p>In addition to expressly authorizing the 24 techniques listed in his 16 April 2003 memorandum, Secretary Rumsfeld wrote in his memo: "If, in your view, you require additional interrogation techniques for a particular detainee, you should provide me, via the Chairman of the Joint Chiefs of Staff, a written request describing the proposed technique, recommended safeguards, and the rationale for applying it with an identified detainee."</p>
1 July 2003	<p>JTF-GTMO Commander Geoffrey Miller submits a formal request for approval of a special interrogation plan for detainee Mohamadou Walid Slahi to SOUTHCOM. The plan envisages making the detainee feel psychologically uncomfortable, emotionally uncomfortable, assert superiority over detainee, escalate stress, play loud music, and continue to condition detainee to menial tasks.</p>
18 July 2003	<p>SOUTHCOM Commander James Hill forwards a copy of a special interrogation plan for detainee Mohamadou Walid Slahi at Guantánamo to the Secretary of Defense Donald Rumsfeld, requesting the approval for use of sound modulation and sleep deprivation and notifying the intend to use isolation and "pride and ego down".</p>
28 July 2003	<p>Deputy Secretary of Defense Paul Wolfowitz approves the memo on the special interrogation plan of detainee Mohamadou Walid Slahi at Guantánamo including techniques such as sound modulation and sleep deprivation, use of isolation and "pride and ego down" and forwards it to Secretary of Defense Donald Rumsfeld.</p>
13 Aug 2003	<p>Secretary of Defense Rumsfeld approves the special interrogation plan for detainee Mohamadou Walid Slahi including new techniques, not listed in his memo of 16 April 2003, such as the use of standing for prolonged periods of time.</p>
31.08.2003 – 10 Sept 2003	<p>Upon request from the military in Iraq, Secretary of Defense Donald Rumsfeld and Undersecretary of Defense for Intelligence Stephen Cambone send a team from Guantánamo to Iraq. JTF-GTMO Commander Geoffrey Miller leads the team to assess the operations in Iraq; he is accompanied by JTF-GTMO Staff Judge Advocate Diane Beaver and Interrogation Control Element Chief David Becker from Guantánamo.</p> <p>During the trip to Iraq, the Guantánamo team visits several different U.S. military and intelligence units to discuss the improvement of operations. JTF-GTMO Commander Geoffrey Miller recommends increasing the exertion of control over the detainees and to "GTMO-ize" the facilities. Staff Judge Advocate Diane Beaver leaves the 16 April 2003 memo by Secretary of Defense Donald Rumsfeld authorizing 24 interrogation techniques with the military legal staff in Iraq.</p>
Oct2003	<p>JTF-GTMO Commander Geoffrey Miller briefs Department of Defense senior officials, among them Department of Defense Deputy Secretary of Defense Paul Wolfowitz and Under Secretary of Defense for Intelligence Stephen Cambone, on his visit to Iraq.</p>

13 Nov 2003	JTF-GTMO Commander Geoffrey Miller sends two further requests for approval of special interrogation plans SOUTHCOM Commander James Hill, including various techniques previously already used on other detainees such as isolations, interrogations up to 16 hours, and use of sound modulation.
19 Nov 2003	Adding his approval, SOUTCOM Commander James Hill forwards the two requests from JTF-GTMO Geoffrey Miller for approval of special interrogation plans to the Secretary of Defense Donald Rumsfeld.
25 Dec 2003 – 31 Dec 2003	Department of Justice Assistant Attorney General Jack Goldsmith withdraws the Office of Legal Counsel's memo of 14 March 2003, written by Deputy Assistant Attorney General John Yoo.
2 Jan 2004	Despite the previous withdrawal of the Department of Justice's memo of 14 March 2003, the Chairman of the Joint Chiefs of Staff Richard Myers approves interrogation plans for detainees as requested by JTF-GTMO commander Geoffrey Miller, including isolation, interrogations up to 16 hours, use of sound, and sensory deprivation.
April 2004	Jay W. Hood replaces Geoffrey Miller as Commander of JTF-GTMO. [Based on open source information additional to the Senate Report]
June 2004	The first of the Department of Justice memos of 1 Aug 2002, written by Assistant Attorney General Jay Bybee, is withdrawn.
July 2004	The French national Nizar Sassi is resettled.
July 2004	The French national Mourad Benchellali is resettled.
Mar 2005	The French national Khaled Ben Mustapha is resettled.





Joint Chiefs of Staff
Chairman
Richard Myers 01 Oct 01 - 30 Sep 05

SOUTHCOM
Commander
Gary Speer (acting) July 00 - Sep 02
James Hill Oct 02 - 2004

direct contact between Dunlavey/Miller and the DoD outside the regular chain of command

Joint Task Forces (JTF) in charge of Guantanamo

JTF 170 (Intelligence) (became JTF Gitmo in Nov 2002)	JTF-GTMO (formerly JTF 170)
Commander	Commander
Michael Dunlavey Feb 02 - 08 Nov 02	Geoffrey Miller Nov 02 - Apr 04 Jay W. Hood Apr 04 - Mar 06
	Deputy Commander Operations
	James E. Payne Dec 02 - Aug 03 Mitchell LeClaire Aug 03 - Jun 04

Director of Intelligence (became JIG commander in Nov 2002)
Jerald Phifer until Nov 02

Staff Judge Advocate
Diane Beaver Jun 02 - Jun 04

Joint Intelligence Group (JIG) (formerly Director of Intelligence)
JIG commander Richard Sanders appointed 17 Dec 02

Joint Detention Operation Group (JDOG)

Interrogation Control Element (ICE)
ICE chief
David Becker until Dec 02
Ted Moss 15 Jan 03 - Jun 03

Behavioural Science Consultation Team (BSCT) (deployed from army's 85th medical detachment)
Psychologists
Paul Burney
John Leso

Interrogators ("Tiger Teams")

Guards (Detention)

Explanatory Note to
The Chart of Military Command Structure from the White House to Guantánamo
For the time period: 2001-2004

The chart represents the military command structure during the early years of the detention center at Guantánamo Bay.¹ The construction of the command chain as well as the organization and positions held by U.S. officials is based on the 2008 Report of the Committee on Armed Services United States Senate “Inquiry into the Treatment of Detainees in U.S. Custody” (Senate Report) (declassified in 2009). The report covers aspects of detainee treatment by the U.S. military in relation to detention and intelligence collection since 11 September 2001. In its report, the Committee on Armed Services comes to the conclusion that the serious mistreatment of detainees in Guantánamo, Iraq and Afghanistan cannot be attributed to a few individuals acting on their own. Rather it shows that senior officials in the United States government authorized the use of aggressive interrogation techniques in order to obtain information from the detainees. The report reflects the development of so-called “enhanced interrogation techniques” and makes reference to concrete individuals responsible for the development, authorization or implementation of the techniques.

The chart draws upon this information, giving a structured picture of the flow of information and requests or commands between Washington and Guantánamo. The dates identified for the ranks of military personnel and government officials are based partly on the Senate Report and partly on open source research.

As shown in the chart, during the time the French civil parties to the proceedings at hand were detained and interrogated at Guantánamo, the leadership of the task forces was held by three commanders: Michael Dunlavey (from February 2002 to November 2002 as commander of JTF-170), Geoffrey Miller (from November 2002 to April 2004) and Jay W. Hood (from April 2004 to March 2006). In the early years of the Guantánamo detention center, the responsibility was split between a Joint Task Force for detention (JTF-160) and the Joint Task Force for intelligence (JTF-170), led by commander Michael Dunlavey. In November 2002, the military task forces at Guantánamo were joined to form a single Joint Task Force Guantánamo (JTF-GTMO) under the command of Geoffrey Miller, who was hence responsible for intelligence operations and detention. When establishing JTF-GTMO in November 2002, the organizational structure at Guantánamo changed slightly and the Joint Intelligence Group (JIG) and the Joint Detention Operation Group (JDOG) were founded to carry out the respective tasks of intelligence collection and detention management, both under the umbrella of JTF-GTMO and the command of Geoffrey Miller.

JTF-GTMO in turn falls under the command of the Southern Command (SOUTHCOM), one of the nine unified Combatant Commands in the Department of Defense. Named after its geographical area of responsibility, SOUTHCOM is responsible for Central America, South

¹ Not included in the chart is the Central Intelligence Agency (CIA). Even though CIA personnel carried out interrogations of detainees, the CIA is not part of the U.S. military and its chain of command lies outside the command responsibility of the U.S. Department of Defense.

America and the Caribbean, including Guantánamo Bay in Cuba. The commanders of JTF-GTMO received their orders from SOUTHCOM and reported to SOUTHCOM.

SOUTHCOM in turn is under the authority of the U.S. Department of Defense and as such under the Secretary of Defense, a position at that time held by Donald Rumsfeld (from 2001 to 2006). The Secretary of Defense is subordinate to the President of the United States, George W. Bush, who also held the position of Commander-in-Chief (from 2001 to 2009).

If, for example, the Commander of JTF-GTMO sought the authorization of the use of certain interrogation techniques outside the standard Army Field Manual, he would need to send his request to his superior at SOUTHCOM, who (in case of approval) would forward the request to the Department of Defense.

Consistent with this official chain of command, Michael Dunlavey submitted a memorandum on 11 October 2002 to his superior at SOUTHCOM, requesting approval for the use of so-called “counter-resistance interrogation techniques”, which were later implemented by the interrogators under the command of Dunlavey’s successor at Guantánamo, Geoffrey Miller. Upon recommendation of the General Counsel of the Department of Defense William Haynes (from May 2001 to February 2008), the Secretary of Defense Donald Rumsfeld, authorized on 2 December 2002 the Commander of SOUTHCOM to employ 16 interrogation techniques² such as: yelling at the detainee, the use of stress positions, isolation for 30 days or longer, deprivation of light and auditory stimuli, removal of clothing, use of individual phobias (such as fear of dogs) and mild, non-injurious physical contact.³ Similarly, on 13 August 2003, Geoffrey Miller received through his chain of command approval by Donald Rumsfeld for the implementation of a Special Interrogation Plan designed for a detainee at Guantánamo and the use of sleep deprivation, sound modulation and methods to make the detainee psychologically and emotionally uncomfortable.⁴

However, in the case of the task forces at Guantánamo, the Senate Report gives indication that regular contact between the Department of Defense and the Commanders, first Dunlavey and later Miller, had been established, bypassing SOUTHCOM and the official chain of command. The Commander of SOUTHCOM, General James T. Hill (from October 2002 to 2004), had authorized Geoffrey Miller to directly speak with the Department of Defense and the Joint Chiefs of Staff. Geoffrey Miller testified before the Senate Armed Services Committee staff of the Senate Report, that he “talked once a week” the Deputy Secretary of Defense, Paul Wolfowitz, and briefed the Department of Defense regularly on the operations in Guantánamo.⁵

At the time Dunlavey and Miller requested more interrogations techniques and the subsequent approval by the Secretary of Defense, the operating assumption among the U.S. military was that the Third Geneva Convention is not applicable to the detainees in Guantánamo, as President Bush had signed a memorandum on 7 February, 2002, stating that al Qaeda and Taliban detainees were not entitled to the prisoner of war status. The President’s decision had been influenced by the U.S. Department of Justice, whose attorneys wrote a memorandum on 9 January 2002, supporting the inapplicability of the

² Senate Report, p. 94

³ The full range of techniques requested by Michael Dulavey and approved by Donald Rumsfeld is listed in the memorandum signed on December 2, 2002; available at: <http://www2.gwu.edu/~nsarchiv/NSAEBB/NSAEBB127/02.12.02.pdf> (last accessed: February 24, 2015).

⁴ Senate Report, p. 137-138.

⁵ Senate Report, p. 73-74.

Geneva Conventions.⁶ Furthermore, on 1 August 2002, the Department of Justice had issued further legal opinions, drafted by the Deputy Assistant Attorney General John Yoo and signed by the Assistant Attorney General Jay Bybee, limiting the legal scope of the definition of torture to extreme acts, “serious physical injury, such as organ failure, impairment of bodily functions or even death.”⁷

For further reference, please find attached the Report of the Committee on Armed Services United States Senate “Inquiry into the Treatment of Detainees in U.S. Custody” and a timeline of events according to the Senate Report.

⁶ Senate Report, p. 2.

⁷ S Senate Report, p. 31-32; the memorandum is available in full at: <http://www2.gwu.edu/~nsarchiv/NSAEBB/NSAEBB127/02.08.01.pdf> (last accessed: February 24, 2015).