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The Torture Timeline

Having trouble keeping track of all the memos, executive orders, and policy decisions that led the United States into the moral low ground? **FP** brings you the ultimate guide to the Bush administration's journey to the dark side.

BY ANNIE LOWREY | APRIL 23, 2009

In the past 10 days, the revelation of once classified memos and Senate reports has greatly elucidated how torture happened. This timeline shows the key relevant legal and military events. New information is marked in italics.

2001

September 11: Afghanistan-based terrorist organization al Qaeda attacks the United States. Nearly 3,000 people die.

September 14: A **congressional resolution** authorizes U.S. President George W. Bush to use all necessary and appropriate force to combat the countries and groups behind 9/11. Vice President Dick Cheney promises that the United States will use any means at our disposal to combat terrorism.

September 16: In an **interview** on NBC's Meet the Press, Cheney says the government will need to work through the dark side. He continues: We've got to spend time in the shadows in the intelligence world. A lot of what needs to be done here will have to be done quietly, without any discussion. ...It's going to be vital for us to use any means at our disposal.

September 17: Bush gives the CIA the **authority** to kill, capture, and detain al Qaeda operatives. The CIA lays plans for secret overseas prisons and special interrogations.

September 25: Office of Legal Counsel (OLC) lawyer John Yoo submits a **memo** to the White House advising that Bush may preemptively wage war anywhere in the world, against any country or organization that harbors or supports any terrorist group, linked to the 9/11 attacks or not.

November 13: Bush issues an **executive order** declaring that the United States will try any foreigners who commit acts of terrorism or harbor terrorists via military commission, under rules written by the executive branch.

December: The Department of Defense general counsel's office **solicits information** on detainee exploitation from the Joint Personnel Recovery Agency (JPRA), which advises on counterinterrogation techniques known as SERE (Survival, Evasion, Resistance, and Escape).

2002

January 11: The first **20 prisoners** picked up in Afghanistan arrive in Guantnamo Bay, Cuba.

February 7: Bush issues an **executive order** denying Taliban and al Qaeda detainees the protections afforded under the **Geneva Conventions**, saying that the United States needs new thinking in the law of war. Article 3 of the conventions prohibits cruel treatment and torture and the humiliating and degrading treatment of detainees.

February 19: On behalf of British and Australian Guantnamo detainees, the **Center for Constitutional Rights**, a New York-based NGO, files habeas corpus petitions in the District of Columbia's circuit court.

March 28: The CIA and Pakistani intelligence service capture a top al Qaeda operative, **Abu Zubayda**. Zubayda is shot multiple times while attempting to evade capture.

April: A **document** on SERE techniques is circulated to JPRA and Department of Defense staffers.

May: The CIA asks senior **White House officials**, including National Security Advisor Condoleezza Rice, to consider the possibility of using rough interrogation tactics, such as waterboarding, in interrogations.

May 8: Jose Padilla, who allegedly planned a dirty bomb attack, is **arrested** in Chicago; he is currently serving a 17-year sentence in a supermax prison. He and two other combatants were held incommunicado in a Navy brig for years following their detention.

July: Richard Shiffrin, a counsel in the Department of Defense, inquires about SERE techniques -- initially designed to help U.S. soldiers captured abroad. Members of the CIA learn SERE techniques in September.

July 17: Rice **meets** with CIA Director George Tenet. She says the CIA may go ahead with its planned interrogation of Zubayda, if the Justice Department signs off.

July 26: Attorney General John Ashcroft **concludes** that waterboarding is lawful, allowing the CIA to go ahead and use the technique on Zubayda.

August 1: Jay Bybee, then head of the OLC and now a federal judge, sends a **memo** to John Rizzo, counsel to the CIA, about torture and Zubayda. He says 10 escalating techniques, leading up to waterboarding, do not constitute torture and may be used.

August 1: In another **memo** to White House counsel Alberto Gonzales, largely written by Yoo and commonly called the Bybee Memo, the OLC concludes that only acts which result in pain equivalent to organ failure,

impairment of bodily function, or even death, constitute torture; all lesser abuse is legal. Yale Law School Dean Harold Koh called it perhaps the most clearly erroneous legal opinion I have ever read.

August: Zubayda is **waterboarded** more than 80 times over the course of the month.

September 25: David Addington, counsel to Cheney, and other high-ranking administration lawyers **travel** to Guantnamo to review procedures and conditions.

October 7: Bush gives a **speech** making the case for the link between al Qaeda and Iraq. We've learned that Iraq has trained al Qaeda members in bomb-making and poisons and deadly gases, he says. The information was false, given by a detainee under intense interrogation.

New **reports** suggest that the White House pressured interrogators to elicit evidence of a link between Iraq and al Qaeda, leading to more and harsher enhanced interrogations. No such link ever existed.

November: In the Salt Pit, a secret, CIA-run prison in Kabul, Afghanistan, guards strip a detainee, chain him outdoors, and leave him there. He **dies** of hypothermia.

December 2: Secretary of Defense Donald Rumsfeld **approves** coercive interrogation techniques, including inducing stress by use of detainee's fears (e.g. dogs), for Guantnamo. He jots on a memo, I stand for 8-10 hours a day. Why is standing limited to four hours?

2003

February 5: Secretary of State Colin Powell **addresses** the United Nations. Unwittingly citing false information coerced from a detainee, he makes the case for war against Iraq.

March 1: U.S. and Pakistani forces **capture** Khalid Sheikh Mohammed, a top al Qaeda operative.

March: U.S. interrogators **waterboard** Mohammed 183 times over the course of the month.

March 14: Yoo sends William Haynes, counsel to the Department of Defense, a **memo** working through the applicability of international and national law to detainee treatment. It cites the prerogative of national self-defense and the executive power of the president as paramount.

March 20: The United States invades Iraq.

June 6: The 9/11 Commission **requests** interrogation documents and logs from the Department of Defense, FBI, and CIA, including all material relating to Zubayda. The CIA supplies written summaries, rather than original documents.

October 7: Under the Freedom of Information Act, the American Civil Liberties Union **requests** all information about detainees held overseas by the United States.

October 9: The Red Cross -- the only independent organization afforded access to the Guantnamo detainees -- issues a **public statement** about the deterioration in the psychological health of a large number of detainees there.

2004

March: The United States repatriates the Tipton Three, Britons held in Guantnamo, to Britain, which releases them without charge. They provide a **public statement** alleging abuse, including severe beatings.

April 28 - May 10: The New Yorker's Seymour Hersh and CBS News **break the story** of the abuse of prisoners at Abu Ghraib.

June 8: The Washington Post's Dana Priest and Jeffrey Smith **break the story** of the OLC torture memos.

June 15-16: OLC head Jack Goldsmith withdraws the August 2002 Bybee torture memo to Gonzales, and subsequently resigns.

June 28: In *Rasul v. Bush* and *Hamdi v. Rumsfeld*, the Supreme Court **rules** that Guantnamo Bay detainees have the legal right to challenge their detention.

December 30: Daniel Levin, the new acting head of the OLC, issues a **new memo** declaring torture illegal and broadening its definition.

2005

May 10: Steven Bradbury of the OLC authors a detailed, 46-page **memo** to John Rizzo, the CIA counsel, authorizing a variety of coercive interrogation techniques and arguing that even the harshest techniques are not torture. He writes, As you have informed us, the CIA has previously used the waterboard repeatedly on two detainees, and, as far as can be determined, these detainees did not experience physical pain or, in the professional judgment of doctors, is there any medical reason to believe they would have done so. A second, shorter **memo** describes the detention process and again stresses that nothing being done is torture, and therefore is legal.

May 20: The New York Times publishes an **expos** by Carlotta Gall and Tim Golden of the death of Dilawar, an Afghani farmer, at Bagram Air Base two years earlier. The story later becomes the basis of *Taxi to the Dark Side*, an Oscar-winning documentary by Alex Gibney.

May 30: Bradbury sends a third **memo** to John Rizzo, again working through the legality of enhanced techniques. It says 28 detainees have been subject to them. It also mentions terrorist plots that might have been stopped due to the enhanced interrogation of detainees, including Khalid Sheikh Mohammed, and claims that half the Counter Terrorism Center's reporting on al Qaeda stemmed from information from CIA detainees. On page 37, it notes the number of times Zubayda and Mohammed were waterboarded.

As first **reported** on ForeignPolicy.com, Philip Zelikow, then an advisor to the secretary of state, circulates an opinion repudiating the new memos. The White House attempts to collect and destroy all copies, Zelikow says.

November 2: In the Washington Post, investigative reporter Dana Priest describes the **black site prisons**. Sometime this month, the CIA **destroys** videotapes of the interrogations of high-value detainees.

December: Congress passes the **Detainee Treatment Act**, which outlaws cruel, inhumane, or degrading treatment of U.S.-held prisoners anywhere in the world. Members of Congress are unaware of OLC memos categorizing harsh techniques, including waterboarding, as legal.

2006

June 12: Dick Marty, a Swiss prosecutor, releases a **report** created for the Council of Europe. It describes the involvement of European countries in aiding the extraordinary rendition and secret imprisonment of detainees by the United States. A second, more-detailed report comes out one year later.

October 24: In an interview for a radio program, Cheney **says** waterboarding's a no-brainer. I think the terrorist threat, for example, with respect to our ability to interrogate high-value detainees like Khalid Sheikh Mohammed, [waterboarding]'s been a very important tool that we've had to be able to secure the nation, he says. Khalid Sheikh Mohammed provided us with enormously valuable information about how many there are, about how they plan, what their training processes are and so forth; we've learned a lot. We need to be able to continue that.

2007

June 10: Three Guantnamo detainees commit suicide.

June 29: Ruling on Hamdan v. Rumsfeld, the Supreme Court **determines** that the United States must comply with the Geneva Conventions in its treatment of Guantnamo detainees.

July 20: Bush thwarts congressional efforts to restrict CIA interrogation techniques to those authorized for the military and signs an **executive order** allowing the CIA to use harsher methods.

2008

June 12: Deciding Boumediene v. Bush and Al Odah v. United States, the Supreme Court **determines** that Guantnamo detainees should be able to file habeas corpus petitions in federal court.

November: The Senate Armed Services Committee receives a **report** on the treatment of detainees. It details the use of aggressive techniques, such as stress positions, on Guantnamo, Bagram, and Abu Ghraib detainees. The report notes that harsh interrogations began before the memos declaring them legal were written; Pentagon officials started considering harsh techniques in late 2001. It also sheds light on the actions of the Joint

Personnel Recovery Agency, which oversaw SERE techniques.

2009

March: Courts in Spain consider indicting the Bush Six, including Bybee, Yoo, and Cheney, for human rights abuses due to their reputed authorization of torture in contravention of the Geneva Conventions. The idea is later **dropped**.

April 30: The New York Review of Books **publishes** a 2007 internal memo from the International Committee of the Red Cross (ICRC), describing medical professionals present during the enhanced interrogation of detainees at Guantanamo. It is the third such ICRC memo to leak.

April 16: The American Civil Liberties Union **posts** four previously classified Bush administration memos obtained through a Freedom of Information Act request. They reveal the great extent of the waterboarding of Abu Zubayda and Khalid Sheikh Mohammed, among other details. The White House says that the CIA officers involved will not be prosecuted -- though immediately lawyers and journalists argue that the White House can broker no such protection.

April 21: Cheney **calls** for the release of Bush administration memos clarifying that in some cases waterboarding and other aggressive techniques produced actionable evidence.

April 21: Obama offers some **support** for the idea of a bipartisan commission to examine the Bush administration's enhanced interrogation program. Reports suggest he previously rejected the idea, to avoid ratcheting up the issue.

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