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Presenter: Paul Butler, PDASD (SO/LIC)

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Briefing on Detainee Operations at Guantanamo Bay

(Participating were Paul Butler, principal deputy assistant secretary of defense for special operations and low intensity conflict, and Army Maj. Gen. Geoffrey D. Miller, commander, Joint Task Force Guantanamo.)

Bryan Whitman [deputy assistant secretary of defense for public affairs (media operations)]: Good afternoon and thank you for joining us this afternoon.

As most of you know, the secretary of Defense is in Miami today and has just spoken to the Miami Chamber of Commerce. And he touched upon the importance and the progress that's being made in the global war on terror and discussed the importance of our detainee operations that are taking place at Guantanamo Bay.

And to provide some more information on that, because there has been some interest in it lately, we have two individuals: Paul Butler, who is the Principal Deputy to the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict; and Major General Geoffrey Miller, who is the Commanding General for Joint Task Force Guantanamo. And they're here today to talk to you about the importance of the Guantanamo facility and bring you up to date on some of our processes at that facility.

So with that, I'll turn it over to these two.

Butler: Good afternoon.

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As the secretary indicated earlier today in his speech, the key insight I think into our policy at Guantanamo is that we remain in an active war with al Qaeda, the Taliban and its affiliated terrorist organizations.

And I think it helps just to remind ourselves on how we got here a little bit. And that is that in 1996, Osama bin Laden issued a public fatwa declaring war on the United States. In February 1998 he issued another public fatwa and said -- in which he said that it was the absolute obligation of his followers to kill Americans, civilian or military, wherever they could be found. After that followed the attempted millennium plot in 1999. Before that al Qaeda attacked our embassies in East Africa and killed over 200 people and injured close to 5,000. In October 2000, al Qaeda attacked the USS Cole, a warship in Aden, where they killed 17 service members and injured 39 others. Al Qaeda then made a recruiting video which celebrated that attack and was used as a recruitment tool for al Qaeda operatives.

And then, of course, there was 9/11, where close to 3,000 people died in one day on American soil; something that hadn't happened since Pearl Harbor in World War II; something that hadn't happened on the continental United States since the battle of Antietam; and an act that destroyed a building at the center of American power, which hadn't taken place since the War of 1812. Of course, the president responded pursuant to his duties as commander in chief. Congress endorsed the use of force in self-defense against those responsible for September 11th, and NATO and the U.N. Security Council both recognized 9/11 as an attack upon the United States.

In November of 2001, President Bush stated that, quote, "International terrorists have carried out attacks on the United States on a scale that has created a state of armed conflict that requires the use of United States armed forces." Close quote.

But unfortunately, that wasn't the end of the story. The war goes on. On December 22nd, 2001, there was an attempted bombing of a commercial transatlantic flight by shoe-bomber Richard Reid linked to al Qaeda.

In April 2002, there was an al Qaeda firebombing of a synagogue in Djerba Tunisia, which killed 19 people and injured 22. In June 2002, al Qaeda was likely responsible for a bomb that exploded outside the U.S. consulate in Karachi, Pakistan, killing 11 persons and injuring 51 others. In October 2002, there was a recording attributed to Ayman al-Zawahiri, bin Laden's deputy, saying, "God willing, we will continue targeting the keys of the American economy." On October 6, 2002, al Qaeda directed a suicide attack on the French oil tanker MV Limburg off the coast of Yemen that killed one and injured four. On October 8, 2002, al Qaeda gunmen attacked U.S. soldiers on Failaka Island in Kuwait, killing one Marine and wounding another. On October 12, 2002, al Qaeda affiliate Jemaah Islamiyah bombed the nightclub in Bali, Indonesia, which killed more than 200 international tourists and injured about 300. On November 28th, 2002, in Mombasa, Kenya, a vehicle containing three suicide bombers drove

into the front of the Paradise Hotel, killing 15 persons and wounding 40 others. Al Qaeda claimed responsibility. That same day, two anti-aircraft missiles were launched, but missed downing a Boeing 757 taking off from Mombasa on route to Israel. Al Qaeda claimed responsibility for that as well.

On May 12th in 2003, in Saudi Arabia, al Qaeda suicide bombers attacked three residential compounds for foreign workers, killing 34, including 10 U.S. citizens. On August 5th, 2003, a car bomb exploded outside the J.W. Marriott Hotel in Jakarta, Indonesia, killing 10 and wounding 150. Once again, al Qaeda-affiliated group Jemaah Islamiyah was responsible.

Between February and October of 2003, bin Laden issued further tapes urging his followers to take up jihad and stating, "We stress the importance of the martyrdom operations against the enemy, operations that inflicted harm on the United States."

Between September 2003 and December 2003, Taliban militants stepped up the insurgency in southern and eastern provinces in Afghanistan, including attacks on innocent civilians and coalition forces. On November 15th, 2003, two suicide truck bombs exploded outside the Neve Shalom and Beth Israel Synagogues in Istanbul, killing 25 and wounding 300 more. An al Qaeda-related group claimed responsibility. On November 20th, 2003, two suicide truck bombs exploded near the British consulate and the HSBC Bank in Istanbul, killing 25, including the British consul general, and injuring more than 309. Al Qaeda claimed responsibility. In November 2003, Taliban bombings killed U.S. and Romanian soldiers and several Afghan civilians. In November 2003, al Qaeda also struck again in Riyadh, Saudi Arabia, killing 17 and injuring more than 100. In January 2004, Taliban bombings in Afghanistan killed soldiers from the United Kingdom and Canada. And since August of 2003, 11 U.S. soldiers have died in the war in Afghanistan.

This is not even a full, comprehensive listing of all the attacks but surely indicates that we remain at war with Osama bin Laden and al Qaeda. So when you put it in that context, what we're doing at Guantanamo Bay is not that surprising. We are holding enemy combatants in a global war on terrorism for security reasons, to prevent them from returning to the battlefield and injuring American soldiers and civilians -- and civilians throughout the world.

So the law of armed conflict governs what we're doing here. Some people ask us, well, what about the Geneva Convention? And we believe that we -- our policies are treating the detainees entirely consistent with the framework of the Geneva Convention. The Geneva Convention requires that combatants in a war fight according to certain rules, and there are several reasons why the enemy combatants at Guantanamo are not entitled to the full range of protection under the Geneva Conventions.

First of all, neither al Qaeda nor the Taliban were state parties to the Geneva Conventions. Second of all, they did not fight in uniform or subject to a clear chain of command. But most importantly, the Geneva Conventions were designed in large part to protect civilian populations, and al Qaeda, the

Taliban and its affiliates, as you can see by that litany of events, deliberately violates those rules. Not only do they attack civilian populations, but they blend in with civilian populations, thereby increasing the possibility of civilian casualties. If the Geneva Conventions are to be enforceable law, there need to be incentives built in. And what kind of incentives would we send if we allow the full treatment under the Geneva Conventions to be extended to enemy combatants who deliberately and purposely violate them?

However, we are treating the detainees at Guantanamo Bay humanely and consistent with the conditions under customary international law for humane treatment. The detainees are getting three meals a day that meet cultural dietary requirements, they have adequate shelter and clothing, the opportunity to worship, including copies of the Koran and prayer beads, the means to send and receive mail, reading materials, and excellent medical care.

There is also a thorough process to determine who comes to Guantanamo. The secretary described this in his speech a little bit, but I'd like to give a little bit more detail.

First of all, there is an elaborate screening process that takes place in the field in Afghanistan. Over 10,000 detainees were taken into some form of custody; less than 800 have been brought to Guantanamo Bay. First, in a hostile environment, soldiers detain those who are posing a threat to U.S. and coalition forces based on available information or direct combat.

After an initial period of detention, the individual is sent to a centralized holding area. At that time, a military screening team at the central holding area reviews all available information, including interviews with the detainees.

With assistance from other U.S. government officials on the ground, including military lawyers, intelligence officers and federal law enforcement officials, and considering all relevant information, including the facts from capture and detention, the threat posed by the individual and the intelligence and law enforcement value of the individual, the military screening team assesses whether the detainee should continue to be detained and whether transfer to Guantanamo is warranted.

A general officer designated by the commander of Central Command then makes a third assessment of those enemy combatants who are recommended for transfer to Guantanamo Bay. The general officer reviews recommendations from the central holding area screening teams and determines whether enemy combatants should be transferred to Guantanamo. In determining whether a detainee should be transferred, the combatant commander considers the threat posed by the detainee, his seniority within hostile forces, possible intelligence that may be gained from the detainee through questioning, and any other relevant factors.

Once that determination is made, Department of Defense officials in Washington also review the

proposed detainee for transfer to Guantanamo. An internal Department of Defense review panel, including legal advisors and individuals from policy and the Joint Staff, assess the information and ask questions about whether the detainee should be sent. There is also -- that's part of the process.

Now, what happens once the detainee arrives at Guantanamo? Once the detainee is at Guantanamo, there is a very detailed and elaborate process for gauging the threat posed by each detainee to determine whether, notwithstanding his status as an enemy combatant, he can be released or transferred to the custody of a foreign government consistent with our security interests.

Each individual case is reviewed by an integrated team of interrogators, analysts, behavioral scientists and regional experts. Individual detainee cases are assessed according to the threat posed to the national security interests of the United States and our allies. Threat assessments are based on all available information from interagency sources and are provided to Southern Command for review.

During questioning of the detainees, new information is constantly revealed, confirmed and analyzed to determine its reliability. Unfortunately, many detainees are deceptive and prefer to conceal their identities and actions. Some of you may be familiar with a document called the Manchester Manual. This was a document that was picked up in a search in Manchester, England and has surfaced in various other venues, including in Afghanistan. It's really the al Qaeda manual, and in it is a large section which teaches al Qaeda operatives counterinterrogation techniques: how to lie, how to minimize your role.

The commander of Southern Command or his designee then makes a recommendation in each individual case based on the threat the detainee poses to the United States as well as intelligence value or law enforcement interest. Those recommendations are then sent up to the Pentagon, where a group -- a panel of experts from the Pentagon -- from Policy, from Joint Staff, from the Office of General Counsel -- collect that information and make a recommendation on whether the detainee should be released, transferred to the custody of a foreign government or continue to be detained.

Those recommendations are then sent out to an interagency experts group, composed of -- not only of the Department of Defense, but the Department of Justice, including the FBI; the CIA; the Department of State; the Department of Homeland Security; and NSC staff. Each one of the interagency experts votes on the recommendation and the entire package is then sent up to the Secretary of Defense or his designee for review. A decision is then made on whether somebody will be released, transferred or remain in detention.

There are two components down in Guantanamo that actually do this work. There is General Miller, the commander of JTF-GTMO, and his military intelligence teams that are debriefing the detainees for intelligence purposes. There is also a separate team called the Criminal Investigative Task Force, which is made up of components of Army CID, Air Force OSI, Navy NCIS, FBI and other law enforcement agencies, who also evaluate each detainee for threat and whether there is law enforcement interest.

I'd like to talk a little bit now about the process for transferring detainees. As you know, there have been over 80 detainees who have been released. There have been now five who have been transferred, including four to Saudi Arabia and recently one to Spain. Various factors must be considered before any decision to transfer to a foreign government is reached, including the threat posed by the detainee, any law enforcement interest in him or intelligence interest in him, and whether we can reach appropriate transfer agreements with the foreign government. This is a complex process, and we're actively involved in negotiations with many different countries about transferring their detainees to their custody. But we want -- we're asking foreign governments to take responsibility for these detainees, to provide with assurances that we think will address the risks that these detainees pose once they're transferred to the custody of the foreign government.

And that's because there are very dangerous people at Guantanamo. Enemy combatants at Guantanamo include not only rank-and-file jihadists who took up arms against the United States, but also senior al Qaeda operatives and leaders and Taliban leaders.

For example, enemy combatants captured during the course of hostilities include terrorists linked to most major al Qaeda attacks, including the East Africa embassy bombings and the USS Cole attack; terrorists who taught or received training on arms and explosives, surveillance and interrogation resistance techniques at al Qaeda camps in Afghanistan and elsewhere; terrorists who continue to express their commitment to kill Americans and conduct suicide attacks if released; terrorists who have sworn personal allegiance to Osama bin Laden; terrorists linked to several al Qaeda operational plans, including possible targeting of specific facilities in the United States.

For example, we have an individual in Guantanamo with links to a financier of the 9/11 plot, who attempted to enter the United States through Orlando, Florida, in August 2001. Phone records suggest that 9/11 hijacker Mohamed Atta was also at the Orlando airport that day. This individual was later captured in Pakistan after fleeing Tora Bora.

There are two individuals associated with senior al Qaeda members who were working on remotely detonated explosive devices for use against U.S. forces in Afghanistan.

There's a member of an al Qaeda-supported terrorist cell in Afghanistan that targeted civilians, especially journalists and foreign aid workers, and who is responsible for a grenade attack on a foreign journalist's automobile.

There's an al Qaeda member who was plotting to attack oil tankers in the Persian Gulf using explosive-laden fishing boats.

There's an individual who fought with an al Qaeda-supported terrorist cell in Afghanistan, personally

establishing reconnaissance and ambush positions around the Kandahar air base.

There's an individual who served as a bodyguard for Osama bin Laden and escorted him to Tora Bora, Afghanistan, following the fall of Jalalabad.

There's an al Qaeda member who served as explosives trainer for al Qaeda and designed a prototype shoe bomb for destroying airplanes and a magnetic mine for attacking ships.

There's an individual who trained al Qaeda associates in the use of explosives and worked on a plot to use cell phones to detonate bombs.

And there's an individual who served as an al Qaeda translator and managed operating funds for al Qaeda and who helped stockpile weapons for use against U.S. forces in Afghanistan.

These examples are merely illustrative, they're not comprehensive. But they demonstrate the importance in maintaining the security of the United States by holding dangerous enemy combatants off the battlefield.

Now, the intelligence -- I would like to talk a little bit about the intelligence that we're gaining from these individuals because that's a substantial part of the mission at Guantanamo. And perhaps General Miller could address that a little bit later. But these individuals are providing us important information, which General Miller likes to refer to as "the golden threads of intelligence" that help us understand the al Qaeda network and to help us defend ourselves against them.

Now, I mentioned there are three basic ways in which the enemy combatants are categorized down there: those who will potentially be eligible for release, those who will be eligible for transfer to their foreign governments, and those who will remain in continued detention.

As you may know, for those who will remain in continued detention, the Secretary announced some additional procedures that we are going to implement, and that is an Administrative Review Panel. And this will be a panel that will meet annually -- it will meet more than annually. It will review each detainee's case annually to determine whether that detainee continues to pose a threat to the United States. The detainee will have the opportunity to appear in person before that panel. The detainee's foreign government will have the opportunity to submit information on the detainee's behalf. And the panel will consider all of the information, including intelligence information gained on the detainee and the information presented by the detainee and his government, and to make an independent recommendation about whether the detainee should be held.

And with that, I think we'll take any questions that you might have.

Q: Will a detainee have the right to have a lawyer when he appears before the review panel? And also, if people being held in Guantanamo pose such a threat, why not bring them to a speedy trial on charges and give them lawyers?

Butler: Well, it's important to remember that military commissions are not the reason that people are being held at Guantanamo. As I stated, under the laws of war, we have a right to hold enemy combatants who represent a threat to the United States and its forces off the battlefield. Military commissions are designed to punish those who have committed war crimes during the course of a war. And we have a process -- there has been an appointing authority appointed. And I won't speak to the military commissions in too much detail, but that process will take its own course.

What we're doing is we're reviewing people to determine whether they're still a threat. And if they are determined to be a threat, then we will continue to hold them until such time that they're not a threat anymore.

Q: How about lawyers when they appear before the review panel?

Butler: The details of that haven't been worked out. There will be someone available to help the detainee understand what the process and procedures are, what the board is, but it's unclear yet what, exactly, the details of the panel will be.

Q: But as of right now, you haven't decided that this person is entitled to a lawyer when he comes before the review panel.

Butler: That's correct.

Q: Do you know when the first of these boards would meet, approximately?

Butler: Not yet. I'm not prepared to talk about that now. But it's under active review.

Q: But I mean within the next year, within the next six months?

Butler: I just can't answer that question right now. I don't know.

Q: Could you say a little bit more about the makeup of the panel, who it is going to involve, who makes the appointments? Is this something that's going to be entirely within the Department of Defense or within the administration, or will there be any kind of independent elements in this?

Butler: Again, that's all under active consideration now and I don't have any further information on the composition of the panel, who will appoint it and who will be on it.

Q: Can you say whether the panel's decision will be final, or is it subject to review in other places in the administration?

Butler: Well, the panel will make a recommendation.

Q: To whom?

Butler: That's still under consideration, but most likely to the Secretary.

Q: And so this decision is not final.

Butler: Again, the details of the panel have not yet been worked out.

Q: Could you just step back a minute and help us understand why you're here today, why the Secretary's making this speech, why, suddenly out of the clear, blue sky, so much information today about what you're doing, but yet not final information about the panel? You put it out there and you're telling us, but you're clearly undecided on any number of things. Why are you telling everybody all of this today?

Butler: Well, there's been a lot of interest in what we're doing at Guantanamo, and there have been some events in the recent past, including the transfer of the one detainee to Spain, and so we thought it was an appropriate time to share some of the information about the vigorous procedures down here that we're using at Guantanamo.

There is an elaborate process. Detainees are not in a legal black hole. There is an enormous amount of time spent scrutinizing each individual case through various agencies of the government to help us determine who these people are. We are not interested in holding anyone for one more day than we have to. We want to evaluate them. If we can reach the conclusion that they're no longer a threat, we will release them. If we believe that we can reach transfer agreements with foreign governments who will take responsibility for them so that they're no longer a threat to us or to their populations, we want to do that. So we are -- we have sensed the interest in Guantanamo and we are responding to make sure that everybody is clear on what our policies are.

Q: Do you have any information that indicates anyone released from Guantanamo Bay and returned to wherever they came from has actually returned to the battlefield, so to speak, and has again joined the war on terrorism?

Butler: That's a -- it's a very important concern. I'm not going to go any further than that. I don't want to get into areas that involve intelligence. Needless to say -- I mentioned the Manchester Manual.

When you have people that were picked up in a chaotic war, who are often trained on how to resist interrogations, who you don't have always tremendous amounts of information on before they come into your custody, you are always concerned that -- you make sure that you have full information on them before they're released.

Q: Is the establishment of this panel part of a concerted effort by the U.S. military to get these detainees into the hands of foreign governments; get them out of U.S. hands and limit the numbers that are being detained at Guantanamo Bay?

Butler: No, I don't think so. The panel is designed to ensure that there is continued process that addresses the concerns that we all share that nobody be there any longer than they have to be. And if through our present procedures, the elaborate procedures that I just talked about, the detainee has not been released, these are additional procedures to make sure that -- the war -- the end of this war, of course -- I think the secretary has alluded to this is uncertain. And one thing we can say is it's not over now, but over time we want to make sure that, even perhaps if the war ends in stages, that there's constant review of these detainees to make sure that nobody's there any longer than they have to be.

Q: Is that an acknowledgement --

Whitman: We've got time for about one or two more. And it's not often we get General Miller here, so if you have one for General Miller it might be a good time to ask him.

Q: Could I just follow with one question? Is that an acknowledgement by the Pentagon that the processes so far established -- established to date, are not adequate to address those concerns of people being held too long?

Butler: Not at all. We have a certain set of processes, and as I think I mentioned to you, they're very vigorous, very elaborate. People spend enormous amounts of time scrutinizing each one of these detainees. This is just an additional procedure to once again ensure that we want to do the right thing here. We want to make sure we're holding people who are a threat and releasing people who we think no longer pose a threat.

Q: A number of these folks have been in custody two years or more now. Do they lose their intelligence value? Certainly, my two-year-old knowledge on things is dated. I mean, what kind of insight can you get on al Qaeda and their operatives?

Butler: Thank you -- sir?

Miller: There are -- they've had enemy combatants here at JTF Guantanamo -- some for almost two years, some for as little as two months. And so as we go about determining their intelligence value and

their threat, we go through this very thorough process. There are three types of intelligence: technical intelligence -- that what the enemy combatant was doing when he was captured, if he had a weapon; and then there is operational and strategic intelligence, that allows us to better understand how terrorists are recruited, how terrorism is sustained, how the financial networks power terrorism. And so we developed this intelligence and are continuing to develop this intelligence. We continue to get extraordinarily valuable intelligence from the detainees who are at Guantanamo.

Q: So there is an acknowledgment that if these folks have served their useful time, you're trying to figure out a way to get rid of them?

Miller: It's my responsibility to make an assessment and recommendation on the detainee's intelligence value and their risk. We do that every day and that process is ongoing. Some are getting very close for us to make a recommendation; others, who are enormously dangerous and have enormous -- intelligence of enormous value, are still in this process.

Q: General, is there construction under way for a more permanent facility to house the more hard-core detainees once we seek an eventual release of the detainees?

Miller: There is another camp facility that's under construction. It is our interrogation facility which will replace the temporary facilities that we've been using for the last year and one half.

Q: How much of a number of detainees will that facility house? And --

Miller: That facility -- I'm sorry. That facility --

Q: And why the construction?

Miller: That facility can house up to 100 enemy combatants who we will conduct interrogation upon. And to be frank with you, we're replacing interrogation facilities that were trailers with better facilities that allow us to more effectively and rapidly do this job of interrogation.

Q: Is it a housing facility then or is it more strictly just for interrogation?

Miller: It is an interrogation facility. But we can house an enemy combatant there to accelerate and help us in the interrogation process.

Q: Mr. Butler, why aren't some of the al Qaeda people you described being charged criminally? Because previously the U.S. government has prosecuted al Qaeda operatives, like the guy you mentioned who was at the U.S. airport shortly before 9/11?

Butler: All of these detainees were captured in the context of the global war on terrorism. They are enemy combatants in the war. There is a decision process in place, an independent appointing authority, who will eventually make decisions on who should be charged for war crimes.

But the great insight of the president, and the secretary, and others in the administration, I think, after 9/11, was that we are at war now, and that the criminal justice model, although very important to fighting the war on terrorism, is not the sole tools right now, and therefore, enemy combatants are being held for security reasons. And again, the appointing authority will decide who is charged.

Whitman: We'll take one last one, if we could. Somebody that hasn't had one.

Q: Can you tell us about what Camp Echo is, how it differs from the existing Camp Delta facility? And in connection to that, how much is the overall operation costing?

Miller: Camp Echo is our facility where we hold the pre-commissions detainees. Once the president has decided to move forward in this process, we separate these enemy combatants from the general population and move them into Camp Echo, in that facility, to allow us to separate them, plus, to allow their lawyers, when they're appointed, to have access to the enemy combatants to hold private conversations.

Q: (Off mike.) -- just like Camp Delta but separate? Or is it a different layout? Well, it sounded almost like it might be a suite; there's a room for lawyers, I read somewhere. What does it look like?

Miller: There are individual buildings, so the enemy combatant is in his own cell with an area where the lawyer may come in and have a private discussion with him.

Whitman: All right, thank you very much, ladies and gentlemen.

Q: And the second part was how much is it costing?

Whitman: Who did he ask? I guess the assistant secretary?

Butler: I'm sorry, I don't have that information.

Miller: We don't normally discuss the operational costs of the JTF. It's an ongoing operational unit.

Q: Thank you.

Miller: But I will tell you we're a great buy!

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