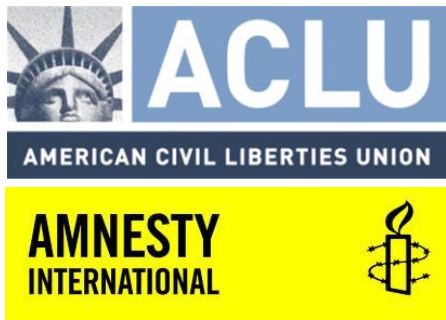




The Honorable Leon Panetta
Secretary of Defense
1000 Defense Pentagon, Room 3E880
Washington, DC 20301-1000

Bruce MacDonald VADM (retired)
Convening Authority
Office of Military Commissions (OMC)
4800 Mark Center Drive, Suite 11F09-02
Alexandria, Virginia 22350-2100

Via electronic and regular mail

February 12, 2013

Re: Press Briefings at Guantanamo Bay

Dear Secretary Panetta and Vice Admiral MacDonald:

The undersigned nongovernmental organizations (NGOs) authorized to observe the military commission proceedings at Guantanamo Bay write to express our objection to new restrictions that the Department of Defense put in place this week on our ability to attend press briefings. In accordance with the ground rules and based on our organizations' years of experience observing the commissions, our representatives have consistently been able to attend all briefings by the prosecution and defense teams, including those that typically occur at the start of the week's session and any that occur throughout the proceedings.

When representatives of several of our organizations arrived at Guantanamo last Sunday, February 10, 2013, the Office of Military Commission escorts informed them that while the prosecution and defense teams would conduct a briefing that evening, only the press would be allowed to attend. The escorts also informed them that in the future they would be allowed to attend only a single press briefing at the end of the week's session and could do so only via closed circuit television in the same manner that those who view the proceedings from the Fort George G. Meade military base in Maryland are able to do.

Access to Guantanamo Bay is already highly restricted. Only limited numbers of journalists, victim family members, and approved NGO observers may attend. Members of the public who

are not victim family members cannot attend; the only way the public may watch the proceedings is via closed circuit TV at Fort Meade.

Our ability to attend the press briefings and hear what is important to attorneys for both sides before, after, and sometimes during the proceedings, is one of the great advantages of attending the commission sessions in person, rather than simply observing them via closed circuit TV. The information and insights we obtain from these briefings help shape our understanding of what we observe during the proceedings, and provide additional information not necessarily available from the viewing area at the back of the courtroom. This is particularly important because the time the attorneys for the parties have during the week is extremely limited, and they cannot be expected to brief the press and the NGOs separately.

NGO observers are among the few members of the public who can attend the proceedings and the press briefings in person. As observers we bring a unique perspective. Many of the organizations we represent have been working on issues related to counterterrorism, detention, criminal justice and military justice for years. Most of us have legal, practical, and academic experience. As such, we have a different capacity for analysis than the press and present our views to the public by publishing our own materials, conducting research and advocacy, and teaching.

Access to press briefings has a significant impact on our ability to play a meaningful role in our capacities as NGO observers. The Department of Defense has previously assured us access to press briefings, reflected in the ground rules each observer has to sign prior to arrival, and in prior correspondence. Indeed, at previous hearings, NGO representatives were participants at the press briefings, providing short statements and taking questions from the journalists present following briefings by counsel.

The government has commendably pledged to provide increased transparency in military commissions trials. Guaranteeing NGO access to press briefings at Guantanamo is an important part of that transparency. We respectfully request that the Department of Defense reconsider the new restrictions and continue to allow NGOs to be present at press briefings.

Thank you for your attention to this matter.

Sincerely,

American Civil Liberties Union
Amnesty International USA
Human Rights First
Human Rights Watch
National Association of Criminal Defense Lawyers
National Institute for Military justice
Seton Hall Law NGO

cc: William Lietzau, Deputy Assistant Secretary of Defense for Detainee Policy
Brig. Gen. Mark Martins, Chief Prosecutor, OMC
Air Force Col. Karen Mayberry, Chief Defense Counsel, OMC