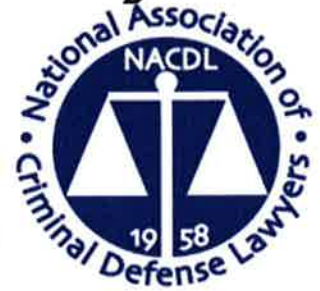




human rights *first*



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

July 5, 2011

Dear Secretary Panetta,

As nongovernmental organizations (NGOs) authorized to observe military commissions at Guantanamo Bay, we are writing regarding logistical difficulties that prevent us from adequately performing that role. Now that the U.S. government has decided to try those accused in the September 11, 2001 attacks and the bombing of the *USS Cole* before military commissions, we believe that it is especially important that NGOs not only observe commission hearings, but are better able to obtain relevant documents and share our observations with the general public.

The government has pledged to provide the utmost transparency in the upcoming military commission trials. The public's inability to travel to Guantanamo Bay to observe these and other military commission proceedings amplifies the importance of NGO observers and the need for the government to follow through on its promise.

Unfortunately, in the past we have experienced major obstacles to our ability to comment promptly and meaningfully on the proceedings. Of particular concern are the inadequate internet connections and a lack of telephones available in the NGO tents, restrictions on our communications with the trial lawyers and journalists present, and an inability to obtain current case documents.

To prevent these problems in the future, we request the creation of a separate work space for the NGO representatives that will provide guaranteed 24-hour high-speed internet access for our laptops, telephone lines, and a printer, much like what is available to the media.

In addition, we would like to ensure that all military personnel escorting or otherwise working with NGO representatives are informed that we are allowed to enter the hangar where the media office is located and where press conferences are held. Moreover, please inform military personnel that there are no restrictions on our communications with media representatives, or with prosecutors and defense lawyers beyond the general restrictions on their communications. These concerns are not merely logistical but have a significant impact on our ability to serve as proper trial observers.

To date, we have not been given advance access to recently filed documents, including documents directly relevant to the upcoming hearings. To fulfill our role as trial observers and understand the proceedings, it is crucial that we have access to the trial documents prior to our arrival at Guantanamo Bay. We therefore request that the Office of Military Commissions make these documents available to us within 24 hours of their filing as well as available on its web site.

In addition, at past hearings NGO observers were not given copies of the judge's orders issued in connection with the current hearings. The media are routinely given copies of the judge's orders as soon as they are issued, and there is no reason NGO trial observers should be treated differently. The orders should also be made available online as soon as possible. Absent such steps it is difficult for us to perform our observer functions in a meaningful manner.

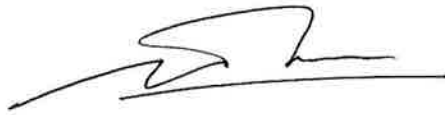
We greatly appreciate the Office of Military Commissions addressing these concerns, which get to the heart of our ability to perform our important function as military commission observers. We believe the improvements set forth above are key to our ability to carry this out in a meaningful way.

Thank you very much for your attention to these matters. We look forward to your reply.

Sincerely,



Hina Shamsi
Director, National Security Project
American Civil Liberties Union



Susan Lee
Director
Americas Regional Programme
Amnesty International



Daphne Eviatar
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Human Rights First



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National Institute for Military Justice

cc: Jeh Johnson, General Counsel, Department of Defense
William Lietzau, Deputy Assistant Secretary of Defense for Detainee Policy
Vice Adm. Bruce MacDonald, Convening Authority, OMC
Capt. John Murphy, Outgoing Chief Prosecutor, OMC
Col. Michael O'Sullivan, Interim Chief Prosecutor, OMC
Brig. Gen. Mark Martins, Incoming Chief Prosecutor, OMC
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