

# NATIONAL INSTITUTE OF MILITARY JUSTICE CRITICIZES RELEASE OF MANUAL FOR MILITARY COMMISSIONS WITHOUT PUBLIC PARTICIPATION

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**Washington, D.C.** As a new round of military commission trials takes shape, a disappointing development occurred at Guantanamo Bay yesterday. Attorneys in Omar Khadr's military commission informed the military judge that Secretary Gates had signed the 2010 Manual for Military Commissions.

The National Institute of Military Justice (NIMJ), along with several other nongovernmental organizations and academic experts, earlier called on the Department of Defense to make the revision of the Manual available for public comment before promulgation. Unfortunately, that request was ignored. "This is an extremely unfortunate turn of events given the Administration's stated goal of transparency," said Eugene R. Fidell, NIMJ President. "Given the time available, there is no excuse for excluding public participation."

The Manual is important because it provides the rules of evidence and procedure for the commissions. The government chose secrecy in this process when drafting court rules in public is required for federal courts and courts-martial. Opportunity for public comment allows outside experts the chance to help the government avoid poorly drafted or confusing rules. There was no reason to conduct this critical process in secret. Releasing the Manual without public participation only fuels existing concerns about the commissions. "Public confidence will not be aided," said Mr. Fidell.

NIMJ was organized in 1991 to advance the fair administration of justice in the armed forces and to foster improved public understanding of the military justice system. NIMJ is affiliated with American University Washington College of Law.

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