



OFFICE OF THE SECRETARY OF DEFENSE  
OFFICE OF MILITARY COMMISSIONS  
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CHIEF OF STAFF

August 19, 2013

MEMORANDUM FOR NON-GOVERNMENT ORGANIZATION OBSERVER  
REPRESENTATIVES

SUBJECT: New Non-Government Organization Observer Representatives Selection Policy

In 2003, the Office of Military Commissions (OMC) invited several large national and international Non-Government Organizations (NGOs) to observe commission proceedings at Guantanamo Bay, Cuba (GTMO). These NGOs were invited to observe, due in large part, to their ability to reach large groups of people around the world, experience in incorporating international human rights and humanitarian standards in criminal trials, and having a stated mission to advance human rights through advocacy and respect for the law. Given logistical limitations relating to escort personnel, housing, and available seats on military aircraft and civilian airlines, we determined that we would accommodate no more than five NGO observers per hearing. After receiving responses from various organizations, we extended offers to Amnesty International, Human Rights Watch, Human Rights First, the American Civil Liberties Union, and the American Bar Association. At that time, only these five NGOs were guaranteed a seat, and alternate NGOs could only attend if any one of the original five NGOs declined to participate.

In 2011, this policy was updated as numerous other NGOs expressed interest in sending an observer to view commission proceedings. Since then, eighteen NGOs have been approved to each send an observer to view commission proceedings at GTMO.

To date, OMC has been able to accommodate all NGO observers who have expressed interest in traveling to view proceedings. However, in light of increasing NGO interest and persistent logistical limitations, effective immediately, the following procedure will be used to approve NGO observer participation in viewing commission proceedings.

- The maximum number of observers allowed to observe each commission proceeding in person is fourteen.
- The original five NGO observer organizations (i.e., Amnesty International, Human Rights Watch, Human Rights First, the American Civil Liberties Union, and the American Bar Association) will have a right of first refusal to send an observer to view each commission proceedings at GTMO.
- All remaining NGO observer organizations will be invited to send a representative.
- NGO observer organizations that wish to send an observer will express their intent to view proceedings by a set date and time defined in the OMC invitational email.

- Allocation of remaining available slots will be done by a random number generator should expression of interest exceed availability.
- Those NGOs not selected to send an observer will be given priority, within the not-original five NGO observer organization selection process, to send a representative to view the next commissions hearing at GTMO should the particular NGO observer organization express interest to observe that hearing.

As a reminder, NGO observer organizations, irrespective of their participation at GTMO, are welcome to send observers to view the proceedings via the closed circuit television feed at the public site at Fort Meade, Maryland.



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