

Office of the Presiding Officer
Military Commission

5 August 2005

This document has been approved by both the Presiding Officer as a Presiding Officer Memorandum, and by the Chief Clerk for Military Commissions in the form he deems appropriate.

**Presiding Officer Memorandum (POM) # 14:
Commissions Library**

1. This POM, with the concurrence of the Chief Clerk for Military Commissions (CCMC), formally establishes the Military Commissions Library (Commissions Library). The Commissions Library is an electronic collection of cases, resources, and other writings of

benefit to counsel, the Presiding Officers, other Commission Members, the Review Panel should that body become involved, and others.

2. Purpose of the Commissions Library. The Commissions Library has many purposes to include:

- a. Provides a readily accessible source of the Commissions Library contents to users.
- b. Permits users to electronically “cut and paste” selected contents of the Commissions Library into filings or other documents.
- c. Permits users to electronically search documents.
- d. Alleviates the need for counsel to attach copies of authority cited in their filings if that authority is contained in the Commissions Library. (See POM 4-2.)
- e. Permits users to electronically capture and preserve, for possible future use in the Commissions, items that appear on the Internet, because Internet items present at one time can be changed or removed from the Internet without notice.
- f. Saves time, space, and other resources by making voluminous materials easily transportable, searchable, and printable

3. Form, location, and access to the Commissions Library.

a. The Commissions Library is in electronic form and can be made available on CD/DVD or other media as well as being hosted on computer servers accessible to users.

b. As the Commissions Library will not contain any classified or protected information, the contents of the Commissions Library may be widely distributed.

c. All personnel assigned or attached to the Office of Military Commissions and all civilian counsel authorized to represent an accused will have access to the Commissions Library. Other personnel will be authorized access on an as-required basis as determined by the CCMC.

4. Commissions Library contents.

a. The Commissions Library will not contain, under any circumstances, any classified or protected information.

b. Filings (see POM # 4-2) included in the filings inventory (see POM # 12) will not be contained in the Commissions Library as those items may contain protected information. The Assistant to the Presiding Officers will maintain the filings inventory until such time as the Record of Trial is authenticated.

c. Potentially, anything useful as a reference or resource to the practice before a Military Commission may be placed into the Commissions Library. Ordinarily the Commissions Library contains: cases other than those readily available as a published opinion on Lexis-Nexis or similar services; large references to alleviate users from having to have the book with them (MCM or the Military Judges Benchbook, for example) items that appear on the Internet so the correct document is preserved before the document is changed or removed from the Internet; "hard-to-find" items (such as decisions of international tribunals and similar writings); treaties and treatises; law review articles; and like items.

d. While there is no requirement that reported cases decided by a United States court (whether federal, state, or military) be included, the CCMC may decide to include them so that they are readily available, especially for users who are not expert with legal research techniques.

5. Responsibilities.

a. The CCMC is responsible for maintaining the Commissions Library, hosting it on servers accessible to OMC personnel, and making it available on servers at Guantanamo Naval Base when the Military Commission is in session. The Assistant to the Presiding Officers will assist whenever his assistance is required.

b. The CCMC may place any item into the Commissions Library he deems appropriate. As a general rule, once an item has been placed into the Commissions Library, it will not be removed because users may rely upon the item being in the Commissions Library once it has been placed therein. Prior to removing an item, the CCMC will provide notice to all users.

c. The CCMC will place into the Commissions Library anything the Presiding Officer directs be placed therein. Requests by other Commission Members to the Presiding Officer that an item be included will be approved by the Presiding Officer and sent to the CCMC.

d. Counsel, the Assistant to the Presiding Officers, and others may request that the CCMC place an item into the Commissions Library. Ordinarily, requests will be approved unless the matter is already contained in the library or there is no possible benefit to having the item included.

e. In each instance where a request is made that an item be included, the CCMC will inform the requester whether the request has been approved.

f. The CCMC will provide all users, on an as-needed basis, updates to show what has been added to the Commissions Library.

6. Procedures to include an item into the Commissions Library.

a. A request to include an item into the Commissions Library will be submitted to the CCMC only by electronic mail. No electronic mail will request more than one item be included (i.e., only one item to be included per email.) The electronic mail will include:

(1). In the subject line, "Request to include item in the Commissions Library."

(2). In the body of the email, a description of the item to be included which is suitable for direct inclusion into the Commissions Library index. If the item is one for which there is a generally accepted Blue Book cite, the cite will also be included.

(3). As an attachment, the exact document to be included.

b. A request to include an item into the Commissions Library will not contain just a web address (URL.) Instead, the requester will convert the web page content into a file, and the file will be attached.

c. Acceptable file formats are Microsoft Word, HTML, JPG, BMP, or Adobe Acrobat unless the CCMC permits, on a case by case basis, a different file format.

d. When the electronic form of an item to be included in the Commissions Library is available, the electronic version will be submitted as that form makes use and electronic searching easier.

(1). Requesters will ***not*** take an item that is in electronic form, scan it, and submit the scanned version. For example, if the document is available in Word, send the Word document (or electronically convert it (not scan it) to Adobe Acrobat (PDF.))

(2). A document available in electronic form will not be printed and then scanned as this reduces the usability of the document.

e. It is the responsibility of the requester to ascertain that an item requested to be included in the Commissions Library is not available in electronic form before submitting a scanned document to be included. The CCMC may reject a request that an item be included in the Commissions Library in a scanned, non-electronically-searchable, form if the electronic version can be located by the requester.

7. Written copies of contents of the Commissions Library.

a. The Commissions Library is in electronic form.

b. At the direction of the Presiding Officers or at the request of any member of the Commission, the Assistant to the Presiding Officers will print out selected items in the Commissions Library for the use of all members of the Commission. Commission members may not write on or highlight these documents. The Assistant to the Presiding Officers is responsible for maintaining the written copies of documents contained in the Commissions Library that the Presiding Officer directs, or any Commission member requests, be available in written form.

c. Commission members may also print those matters in the Commissions Library they wish for their own personal use. A member may make his own notes on these personal documents, but may not read or show their notes to any other member. Further, each member will safeguard these personal documents and destroy them when no longer needed.

d. Printed extracts of the Commissions Library used by counsel during a session of the Commission.

(1). Counsel appearing before the Commission may elect to print selected extracts of the Commissions Library to make them available to members of the Commission during argument or other sessions of the Commission where special emphasis may be required. This practice should be used judiciously.

(2). If counsel wish extracts of the Commissions Library be made available to the Commission during a session of the Commission as provided above, counsel are responsible for making and providing sufficient copies for each member of the Commission, each opposing counsel, and a copy for inclusion in the record of trial. If sufficient copies are not made available at the time counsel wishes the Commissions

Library extract to be made available to the Commission, the Presiding Officer may deny counsel the opportunity to use the extract.

e. While the Commissions are not in session, the CCMC, assisted by the Assistant to the Presiding Officers, will insure that the matters printed for the Commission are safeguarded. After all sessions before a given Commission are concluded, the APO will transfer the printed matters to the CCMC for use by subsequent Commissions.

Approved by:

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Presiding Officer

M. Harvey
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