

The Honorable Jeh C. Johnson, Esq.
General Counsel, Department of Defense
1000 Defense Pentagon, Room 3E788
Washington, DC 20301-1000

Bruce MacDonald VADM (retired)
Office of Military Commissions
1600 Defense Pentagon
Washington, DC 20301

May 17, 2012

Dear Mr. Johnson and Vice Admiral MacDonald:

We appreciate that nongovernmental organization (NGO) observers and the press had opportunities to meet while at Guantanamo Bay for the arraignment of the 9/11 accused; however, it is unfortunate that the Office of Military Commissions denied NGO observers access to the press conference on Sunday, May 6, 2012. This raises concerns about the government's commitment to transparency.

NGO observers provide an important service to the public by providing informed commentary and recommendations based on our organizations' individual mandates. As we have written previously to Secretary Panetta, we believe access to press conferences has a significant impact on our ability to meaningfully play this role. We have been provided access to press conferences for years, and that practice is reflected in current commission ground rules which each observer is required to sign before traveling to Guantanamo. Unfortunately, we were denied that opportunity on May 6.

We received various oral explanations as to why NGO observers were denied access, including a claim that it was logistically impossible to allow us to attend the conference and to make our outgoing flight on time. However, defense counsel who were present at and participated in the press conference were on the same flight as the NGO observers, and accommodations were made to allow them to attend the conference and be transported to the airport on time.

The government has commendably pledged to provide increased transparency in military commissions trials. Guaranteeing NGO access to press conferences at Guantanamo is an important step in that direction. Therefore, we respectfully request that the Department of Defense make arrangements to accommodate voluntary NGO attendance at all future press conferences held at Guantanamo regarding events for which NGO observers are present.

Thank you for your attention to this matter. We would greatly appreciate a prompt response to this request.

Sincerely,

American Civil Liberties Union
Amnesty International
Human Rights First
Human Rights Watch
National Association of Criminal
Defense Lawyers
Seton Hall Law

cc: Hon. Leon Panetta, Secretary of Defense, Department of Defense
William Lietzau, Deputy Assistant Secretary of Defense for Detainee Policy
Jeremy Bash, Chief of Staff, Office of Secretary of Defense
Brig. Gen. Mark Martins, Chief Prosecutor, OMC
Col. Jeffery Colwell, Chief Defense Counsel, OMC