

# NON- GOVERNMENTAL ORGANIZATION GROUND RULES

## FOR

### OBSERVATION OF MILITARY COMMISSIONS

#### U.S. Naval Station Guantanamo Bay, Cuba (GTMO)

**1. Ground Rules** – The United States Department of Defense (DoD), through the Office of Military Commissions (OMC), has invited various Non-Governmental Organizations (NGOs) to observe the military commission proceedings. The following Ground Rules have been established in order to facilitate this effort.

Ground Rules are established to ensure that protected information such as classified information, intelligence collections capabilities, and sources and methods of intelligence gathering are not compromised. They are also designed to protect the security of various commission participants by preserving anonymity. Additionally, the Ground Rules outline the nature and limitations of the DoD invitation for NGOs to observe the military commission proceedings and take into consideration the restrictions of logistics, security and equitable access to the commissions by other interested parties.

Failure to comply with the Military Judge's instructions, or these Ground Rules, could result in permanent expulsion from the courtroom area and may result in removal of the parent organization from future invitations to observe the military commissions proceedings. Disclosure of classified or protected information may subject the NGO Representative (NGOR) to criminal prosecution.

By signing this document, a NGOR agrees to abide by the following restrictions:

- a. To NOT publish, release, discuss or share information identified by commission personnel as being protected information or otherwise protected from disclosure by these Ground Rules.
- b. To be subject to the instructions of the Military Judge and courtroom etiquette rules as determined by the Office of Military Commissions or the Military Judge. Failure to comply with the Military Judge's instructions could result in a charge of contempt of court, which could curtail all further participation by that NGOR and his or her organization.
- c. To NOT record or document by audio, video, sketches or likenesses, photography or other electronic means, the proceedings or their participants from courtroom or in the CCTV viewing area.
- d. Tape recorders, telephones, computers, photographic or any other type of electronic or imaging equipment may NOT be brought into the courtroom or CCTV viewing area while proceedings are in session. Writing materials are permitted. With the consent and assistance of the OMC Public Affairs Officer, NGORs may be permitted to photograph and record images inside the courtroom when no proceedings are being conducted and no participants are present. No drawings, sketches, photographs or videotape of detainees are permitted either inside or outside of the courtroom.
- e. The identities of all commission personnel, beyond those already released to the public, to include the Military Judge, commission members, prosecutors, defense counsels, and witnesses, will NOT be reported or otherwise disclosed in any way without prior release approval of the Office of the Secretary of Defense, Public Affairs (OSD (PA)). No drawings, sketches, photographs or videotape of commission personnel are permitted either inside or outside of the courtroom without prior release approval by OSD (PA) and the individual.
- f. Disclosing information about transit routes for detainees, including ground and air movement between detention facilities, or movement between detention facilities, courtroom facilities and transportation modes (bus, ferry, aircraft, etc.) is NOT permitted.
- g. Embargos on information may be imposed by the Military Judge, the OMC or Joint Visitors Bureau (JVB) when necessary to protect security.
- h. NGORs are at Guantanamo Bay Naval Station under U.S. Government Invitational Travel

Orders (ITOs) for the sole purpose of observing the commission process. While NGORs may engage the media at Guantanamo, neither the OMC nor the JVB is under any obligation to facilitate NGOR access to the press.

i. Press Center use is for approved DoD personnel and accredited media only. Additionally, DoD press conferences within the Media Center at Guantanamo are for DoD personnel and commission staff (to include OMC Public Affairs, the prosecution and defense staffs) to communicate with the public via the media. They are not public or open microphone forums in which NGORs have a right to participate. NGORs may view DoD press conferences at a location that receives the CCTV feed.

j. The Office of Military Commissions (OMC) Protocol Officer is the point of contact through which all NGOR transportation for meetings (other than to/from meals) is coordinated. The primary purpose of inviting non-governmental organization representatives to view and observe military commissions and freely report on the commissions process from their various perspectives. The trial participants are carrying out their own duties during commissions hearing/trial weeks, and have busy schedules which are not always compatible with the times that NGORs may want to meet. All NGORs are free to talk to prosecution and defense personnel. All arrangements for meetings and social events on the island require the government to coordinate scheduling and transportation. Therefore, all requests from NGORs or prosecution/defense for transportation to/from meetings or social events outside of Camp Justice must be coordinated through the Protocol Officer so that OMC can ensure adequate manning is available to support the requests. The NGORs may certainly continue to have discussions with prosecution and defense personnel, but the Protocol Officer is ultimately the approving authority to coordinate and ensure transportation is available at the required times/dates. If there are conflicts or competing requirements, the Protocol Officer will negotiate NGOR requested meetings or discussions with Defense teams, Prosecution teams and any other Commission entity requested by the NGORs. Likewise, the OMC Protocol Officer will negotiate any meetings or discussions requested by any Commission entity to meet with the NGORs.

**2. Agree to Abide** – The NGOR, as well as the NGO President or other authorized sponsoring organization officer, must agree to and sign the NGO Ground Rules for Observation of Military Commissions each time the designated NGOR plans to travel to Guantanamo Bay Naval Station, Cuba, (GTMO) prior to being issued Invitational Travel Orders (ITO) or being allowed to board military or military contracted transportation to GTMO. Failure to do so in a timely manner will result in a withdrawal of ITOs and, if necessary, immediate return to port of embarkation at the NGOR's own expense.

Additionally, the NGOR, as well as the NGO President or other authorized sponsoring organization officer must agree to and sign a DoD Release, Indemnification, and Hold Harmless Agreement and Agreement Not to Sue prior to departure for GTMO.

Failure to agree to, sign, and follow these Ground Rules and/or comply with the Military Judge's instructions may result in permanent expulsion from the courtroom area, restricted access to GTMO, removal from the installation, revocation of his or her ITO and removal of the parent organization from future invitations to observe the commission proceedings.

By signing this document, the NGOR and authorized sponsoring organization officer agree to abide by these restrictions and is applying to attend the proceedings of Military Commissions for the sole purpose of observation.

Please fill out and sign the following, acknowledging that you have read and understand these Ground Rules and limitations. Each traveler must provide the information below by email.

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Full Name \_\_\_\_\_ Organization \_\_\_\_\_  
 Position \_\_\_\_\_ Cell/Work Phone \_\_\_\_\_

**As the designated NGO Rep for \_\_\_\_\_ traveling to Guantanamo Bay, Naval Station, Cuba, to observe Military Commission proceedings, I understand and will comply with the Ground Rules listed above. I also understand that the U.S. Government assumes no liability or responsibility for my personal safety.**

(Signature) \_\_\_\_\_ (Date) \_\_\_\_\_