



**Judicial
Watch®**

*Because no one
is above the law!*

August 30, 2013

Mr. Michael I. Quinn
Chief of Staff
Office of the Secretary of Defense
Office of Military Commissions
4800 Mark Center Drive
Alexandria, VA 22350-2100

Re: Non-Government Organization Observer Selection Policy

Dear Mr. Quinn:

I write to object in the strongest terms to your August 19, 2013, Non-Government Organization (NGO) Observer Selection Policy to observe commission proceedings at Guantanamo Bay, Cuba (GTMO).

The designation of Amnesty International; Human Rights Watch, Human Rights First; the American Civil Liberties Union; and, the American Bar Association as, essentially, “permanent observers” to Commission proceedings is not appropriate. These groups represent a narrow, extreme ideological view on terrorist detainee issues. These groups, which have been highly critical of the Office of Commissions and GTMO, advocate policies at odds with views held by the vast majority of American citizens whose tax dollars fund the operations of the Office of Commissions and GTMO.

As you may well know, in some instances, persons affiliated with the five NGOs have served as legal counsel or political advocates for the terrorist detainees held at GTMO. The decision to grant special, exclusive observer status to those organizations at the expense of other interested NGOs is arbitrary, will almost certainly inure to the benefit of the legal defense of the terrorist detainees, and will erode public confidence in the Commission process.

Judicial Watch, which is the only right-of-center organization represented among the regular GTMO NGO observers, has sent a representative to Cuba to virtually every proceeding at the GTMO facility since the Commissions became active again in 2011. Judicial Watch Director of Litigation Paul J. Orfanedes attended the arraignment of Khalid Sheikh Mohammed (KSM) in June 2008. Since then, Judicial Watch, at great expense, has participated as an observer in the following proceedings:

- November 9, 2011 *U.S. v. Al Nashiri* arraignment.
- January 17-18, 2012 *U.S. v. Al Nashiri* Hearing
- February 29, 2012 *U.S. v. Khan* Arraignment
- April 11-13, 2012 *U.S. v. Al-Nashiri* Hearing

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- May 5, 2012 *U.S. v. KSM* Hearings
- July 17-19, 2012 *U.S. v. Al Nashiri* Motions Hearings
- August 22, 2012 Cancelled due to Tropical Storm/Hurricane Isaac.
- October 15-19 2012 *U.S. v. KSM, et al.* Motions Hearings
- June 17-21 2013 *U.S. v. KSM et al.* Motions Hearings
- June 11-14 2013 *U.S. v. Al Nashiri* Motions Hearings
- August 19-23 2013 *U.S. v. KSM, et al.* Motions Hearings

Unlike the proposed designated permanent observers, Judicial Watch represents mainstream views on terrorist detainee rule of law issues.

On behalf of Judicial Watch's millions of supporters, I request that you rescind your decision to designate five leftist groups as permanent observers to the GTMO proceedings.

In the alternative, if there are to be "permanent observers," such designations should take into account an NGO's demonstrated record of attending prior GTMO proceedings. And the group of "permanent observers" should reflect a full range of views in the debate on terrorist detainee issues.

In the least, the Office of Military Commissions should, for the reasons described above, add Judicial Watch to the current list of permanent observers.

The reality is that the NGOs interested in sending representatives to the GTMO proceedings are overwhelmingly from the left side of the ideological spectrum. Your proposed system could have the effect of freezing out any alternative voices from the NGO community, specifically those voices that have not served as legal and political advocates for terrorist detainees.

Thank you for your prompt reply to this letter.

Sincerely,



Thomas Fitton
President

By: FIRST CLASS MAIL & EMAIL (vena.l.hawkins.civ@mail.mil)