

August 01, 2017

Dear Secretary Mattis:

We, the undersigned human rights and civil liberties organizations, write to express serious concern and opposition regarding recent decisions by the Department of Defense with respect to observation of the military commissions at Guantanamo Bay, Cuba, and the potential these decisions have to negatively affect transparency in the judicial proceedings occurring there. Specifically, we were troubled to learn that the Department of Defense did not invite non-governmental organizations (NGOs) to send observers to the July 7-8, 2017 pre-sentencing hearing for Ahmed Mohammed Ahmed Haza al Darbi, even though [press outlets](#) were invited to attend. In fact, the Defense Department did not give NGOs any notice at all, prohibiting us from at least monitoring the proceedings via CCTV feed at Ft. Meade.

Furthermore, the Defense Department has recently begun instructing NGOs that they can only send American citizens as military commission observers. While the Defense Department did initiate such a requirement last year, it is our understanding that it was quickly withdrawn, yet the instructions have persisted. For years, many of our organizations have sent non-citizen observers to Guantanamo to monitor military commission proceedings and their participation is integral to our work.

These policies directed towards NGOs compromise our ability to effectively fulfill our roles in the observer process. As representatives of organizations with expertise in the commissions and as members of the public, our presence and participation is essential for increasing the transparency and accountability of the proceedings. Some of the organizations represented in this letter have had permanent observer status since [the first proceedings began in 2004](#) and have been guaranteed a right to observe.

We strongly urge the Department of Defense to commit to inviting all approved observer organizations to participate in all future military commission proceedings at Guantanamo Bay—both onsite and via CCTV monitoring. We also request that the Department of Defense immediately make explicit the status of the now-defunct rules regarding foreign NGO observers.

Sincerely,

American Civil Liberties Union

Human Rights Watch

Amnesty International USA

National Association of Criminal Defense Lawyers

Defending Rights & Dissent

National Religious Campaign Against Torture

Government Information Watch

The Constitution Project

Human Rights First