**Briefing Book**

**For**

**Guantanamo Bay, Cuba**

**U.S. Military Commission Observation Project (MCOP) of the**

**Program in International Human Rights Law (PIHRL) of**

**Indiana University McKinney School of Law**

**Pre-Mission Materials for IU McKinney Affiliates Traveling to**

**Guantanamo Bay, Cuba or Ft. Meade, Maryland for**

**Military Commission Hearings in April 2014 for:**

**The 9-11 Case (Khalid Shaikh Mohammad, et al.); &**

 **The U.S.S. Cole Case (al Nashiri)**

**8 April 2014**

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**Table of Contents**

1. **Introduction for April 2014 MCOP Missions to GTMO & Ft. Meade**
	1. FAQs
	2. MCOP Blog (coming soon)
* IU Affiliates traveling to Ft. Meade or GTMO will blog about their impressions before, during and after their missions.
* The blog is not active yet. So, please keep “blog notes” now, send them to the MCOP, and we will post them as soon as the blog is up! (Indeed, you should feel free to add your own “blog notes” into the Dropbox mentioned below.)
* This is a great way for others in the IU community to share your impressions. Please keep in mind that we will want to know your impressions before, during and after your travel to the hearings. This is in keeping with purposes the Pentagon had in mind in selecting our Program in International Human Rights Law as an NGO Observer.
* Also, please don’t forget to take photos for the blog as well. Pictures say a thousand words! (At Ft. Meade & GTMO, there are restrictions on what you can photograph. Ask if you have any doubt!)
* Please See: *Pre-Departure Impressions GTMO* in Dropbox. (You can add your entries here!)
1. **Materials Prepared by Office of Military Commissions – Background Information**
	* + - 1. Glossary
* <http://www.mc.mil/LEGALRESOURCES/Glossary.aspx>
	+ Note that the Defense has circulated a Glossary, below.
		- * 1. How Military Commissions Work
* <http://www.mc.mil/ABOUTUS.aspx>
	+ - * 1. Legal System Comparison Chart – MC versus Other Legal Systems
* <http://www.mc.mil/ABOUTUS/LegalSystemComparison.aspx>
	+ - * 1. MC Fact Sheet
* [www.mc.mil/Portals/0/Military%20Commissions%20Fact%20Sheet%20%28April%202010%29.pdf](http://www.mc.mil/Portals/0/Military%20Commissions%20Fact%20Sheet%20%28April%202010%29.pdf)
	+ - * 1. Office of Military Commissions Organizational Chart
* <http://www.mc.mil/ABOUTUS/OrganizationOverview/OrganizationalChart.aspx>
	+ - * 1. Significant SCOTUS Opinions
* <http://www.mc.mil/LEGALRESOURCES/SignificantCourtOpinions.aspx>
1. **Official U.S. Military Commission Documents**
	* + - 1. Military Commission Act of 2009
* <http://www.mc.mil/Portals/0/MCA20Pub20Law200920.pdf>
	+ - * 1. Regulations for Trial by Military Commission – 2011
* <http://www.mc.mil/Portals/0/2011%20Regulation.pdf>
	+ - * 1. Manual for Military Commissions – 2012
* <http://www.mc.mil/Portals/0/pdfs/2012ManualForMilitaryCommissions.pdf>
	+ - * 1. Military Commission Trial Judiciary Rules of Court - 2013
* <http://www.mc.mil/Portals/0/pdfs/Trial%20Judiciary%20Rules%20Of%20Court%20%2824%20Apr%2013%20Amended%29.pdf>
	+ - * 1. Notices Re Trial Judiciary Rules of Court
* <http://www.mc.mil/Portals/0/pdfs/Trial%20Judiciary%20Announcements.pdf>
	+ - * 1. Rules for Military Commissions (Note: Old Version of Rules [2007] Please Refer to 9 for Current Rules)
* [http://www.defense.gov/pubs/pdfs/part%20ii%20-%20rmcs%20(final).pdf](http://www.defense.gov/pubs/pdfs/part%20ii%20-%20rmcs%20%28final%29.pdf)
	+ - * 1. Court of Military Commission Review – Rules of Practice
* <http://www.mc.mil/LinkClick.aspx?fileticket=hd1VnXaxXU0%3d&tabid=112&mid=445>
	+ - * 1. Unofficial Docketing Sheet (Annotated) for April 2014 9/11 Case Hearings
* PDF Only (Please See: *Unofficial Annotation of AE281 docket order-3 April 2014*)
	+ Note: This Document contains links to all 19 Motions that are scheduled to be heard on 14-17 April 2014.
		- Each Public Motion can also be found in: (*Documents for Motion during 14-17 9/11 Cases from Unofficial Annotation AE281* under the Do not include in Briefing Book tab in Dropbox)
1. **Documents (Selected) filed in the 9-11 Case (the case pending at the Military Commissions)**
	* + - 1. KSM Sworn Charges (Dated 5/31/2011)
* [http://www.mc.mil/Portals/0/pdfs/KSM2/KSM%20II%20(Sworn%20Charges).pdf](http://www.mc.mil/Portals/0/pdfs/KSM2/KSM%20II%20%28Sworn%20Charges%29.pdf)
	+ - * 1. KSM New Sworn Charges(Dated 1/25/2012)
* [http://www.mc.mil/Portals/0/pdfs/KSM2/KSM%20II%20(New%20Sworn%20Charge).pdf](http://www.mc.mil/Portals/0/pdfs/KSM2/KSM%20II%20%28New%20Sworn%20Charge%29.pdf)
	+ - * 1. KSM Referred Charges (Dated 4/4/2012)
* [http://www.mc.mil/Portals/0/pdfs/KSM2/KSM%20II%20(Referred%20Charges).pdf](http://www.mc.mil/Portals/0/pdfs/KSM2/KSM%20II%20%28Referred%20Charges%29.pdf)
1. **Documents in 9-11 or USS Cole cases filed in U.S. Federal Courts (not Military Commission)**
	* + - 1. al Nashiri v. Bruce MacDonald (Convening Authority) (Complaint - US District Court, W.D. Washington)(Nov 2011)
* <http://www.lawfareblog.com/wp-content/uploads/2011/11/Nashiri-complaint-Western-District-of-Washington-Nov-3-2011.pdf>
	+ - * 1. al Nashiri v. Bruce MacDonald (Convening Authority) (Brief for Appellant-US Court of Appeals for the 9th Circuit) (Sept 2012)
* <http://www.lawfareblog.com/wp-content/uploads/2012/09/Nashiri-9th-circuit.pdf>
	+ - * 1. al Nashiri v. MacDonald (Amicus Brief-Retired Military Admirals and Generals-US Court of Appeals for the 9th Circuit)(Oct 2012)
* <http://www.lawfareblog.com/wp-content/uploads/2012/10/Dkt-Entry-25-1.pdf>
	+ - * 1. al Nashiri v. MacDonald (Convening Authority) (Reply Brief for Appellant-US Court of Appeals for the 9th Circuit) (Dec 2012)
* <http://www.lawfareblog.com/wp-content/uploads/2012/12/Nashiri-v-MacDonald-Reply-Brief-Dec.-27-2012.pdf>
	+ - * 1. al Nashiri v. MacDonald (Decision-US Court of Appeals for the 9th Circuit) (Dec 2013)
* <http://www.lawfareblog.com/wp-content/uploads/2013/12/Nashiri-9th-circuit-decision.pdf>
1. **Materials Prepared by One or More Defense Teams**
	* + - 1. Glossary (Circulated by 9-11 Defense)
* PDF Only (Please See: *Military Commissions Glossary-Circulated by Defense-3 April 2014*)
	+ - * 1. April 2014 Hearing Information Re Motions in 9-11 Case (Circulated by 9-11 Defense) (for April 2014 hearings)
* PDF Only (Please See: *April Hearing Information-Circulated by the Defense-3 April 2014*)
1. **Outside Readings – Compiled by IU McKinney PIHRL MCOP**
	* + - 1. *The Military Commissions Act of 2009 (MCA 2009): Overview and Legal Issues* (Jennifer K. Elsea, Legislative Attorney, CRS, 7 March 2014)
* <https://www.fas.org/sgp/crs/natsec/R41163.pdf>
	+ - * 1. *Comparison of Rights in Military Commission Trials and Trials in Federal* (Jennifer K. Elsea, Legislative Attorney, CRS, 28 February 2013)
* <http://www.fas.org/sgp/crs/natsec/R40932.pdf>
	+ - * 1. *Diminishing the Value of War Crimes Prosecutions: A View of the Guantanamo Military Commissions from the Perspective of International Criminal Law*, (Jonathan Hafetz) (Cambridge Journal of International & Comparative Law)(2013)
* PDF Only (Please see: *Diminishing the Value of War Crimes Prosecution*)
	+ - * 1. Human Rights Watch, the Guantanamo Bay Trials
* <http://www.hrw.org/features/guantanamo>
	+ - * 1. NY Times Articles Guantanamo Files (Collection of New York Times Articles on Guantanamo Bay Detainees)

<http://www.nytimes.com/guantanamo-files>

* + - * 1. New York Times Guantanamo Bay Docket (3 April 2014)

<http://projects.nytimes.com/guantanamo?ref=guantanamobaynavalbasecuba>

* + - * 1. New York Times Topics: Khalid Shaikh Mohammed (Guantánamo 9/11 Attacks Trial)

<http://topics.nytimes.com/top/reference/timestopics/people/m/khalid_shaikh_mohammed/>

* + - * 1. Materials Not Contained in Briefing Book

New York Times Articles – From the “Guantanamo Bay Docket” – *Many detailed articles about specific Guantanamo Bay Detainees and their Military Commission & U.S. Federal Court litigation. Also contains many documents related to these cases. A selection of those articles follow:*

* Khalid Shaikh Mohammed (Aka: KSM)–High Value Detainee (9-11)

<http://projects.nytimes.com/guantanamo/detainees/10024-khalid-shaikh-mohammed>

* Abd al Rahim al Nashiri—High Value Detainee (USS COLE)

<http://projects.nytimes.com/guantanamo/detainees/10015-abd-al-rahim-al-nashiri?action=click&module=Search&region=searchResults%230&version=&url=%20http%3A%2F%2Fquery.nytimes.com%2Fsearch%2Fsitesearch%2F%23%2Fal%2Bnashiri%2F>

* Walid Muhammad Salih Mubarek Bin ‘Attash (Aka: Walid Bin Attash)–High Value Detainee (9-11)

<http://projects.nytimes.com/guantanamo/detainees/10014-walid-bin-attash>

* Ramzi Bin al Shibh—High Value Detainee (9-11)

<http://projects.nytimes.com/guantanamo/detainees/10013-ramzi-bin-al-shibh>

* Ali Abdul Aziz Ali (Aka: Abd al Aziz Ali)—High Value Detainee (9-11)

<http://projects.nytimes.com/guantanamo/detainees/10018-abd-al-aziz-ali>

* Mustafa Ahmed Adam al Hawsawi (Aka: Mustafa Ahmed al Hawsawi)—High Value Detainee (9-11)

<http://projects.nytimes.com/guantanamo/detainees/10011-mustafa-ahmed-al-hawsawi>

1. Transcripts from Previous 9-11 Hearings
* <http://www.mc.mil/Cases.aspx?caseType=omc&status=1&id=35>
* Please click the Transcripts tab under Document type to access the Previous Transcripts
1. Documents for Other Public Motions during Apr 14-17, 2014 (9-11 Cases)
* Links listed in *the Unofficial Annotation of AE281*
* Please check *the Documents for Motions during Apr 14-17 (9-11 Cases from Unofficial Annotation of AE281)* in Dropbox
1. Gitmo Watch on Twitter
* <https://twitter.com/GitmoWatch>
1. Human Rights First Topic—Guantanamo
* Comprehensive discussions about coalitions, due process, terrorism, torture, etc.
* <http://www.humanrightsfirst.org/topics/guantanamo>
1. Other Scholar Posts and Opinions
* Immigration Detention and Status Determinations in Guantánamo Bay, Cuba
	+ <http://opiniojuris.org/2014/03/12/yls-sale-symposium-immigration-detention-status-determinations-guantanamo-bay-cuba/>
* The UN Working Group on Arbitrary Detention: Obaidullah v United States and the Mainstream of International Law
	+ <http://www.ejiltalk.org/the-un-working-group-on-arbitrary-detention-obaidullah-v-united-states-and-the-mainstream-of-international-law/>
		- Note: The Working Group on Arbitrary Detention under the United Nations Office of the High Commissioner for Human Rights has been focusing on the issue of detention and counter terrorism. Report can be found at: <http://www.ohchr.org/EN/Issues/Detention/Pages/Issues.aspx>
		- Military Detention of Suspected Terrorists in the 21st Century
			* PowerPoint presentation prepared by Representative Jeffrey S. Meding (PDF Only)

g. Updating Documents for April 2014 Mission GTMO & Ft. Meade

* al Nashiri - Order regarding the Existence of Hostilities - 15 Jan 2013
	+ - * + Note: This is an unexhausted list and will be updated constantly, please see *Updating Documents for April 2014 Mission GTMO & Ft. Meade* in Dropbox*.*

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