

Office of the Presiding Officer
Military Commission

August 2, 2004

SUBJECT: Presiding Officers Memorandum (POM) # 5 - Spectators to Military Commissions

1. Commission Law provides for open Commission proceedings except when the Presiding Officer determines otherwise. Commission Law also charges the Presiding Officer to maintain the decorum and dignity of all Commission proceedings.
2. The attached document, "Decorum for Spectators Attending Military Commissions," shall be in force whenever the Commission holds proceedings open to spectators. The attachment may be used by bailiffs, security personnel, those with Public Affairs responsibilities, and other Commission personnel to inform spectators and potential spectators of the conduct and attire expected.
3. There are other rules that pertain to media personnel that have been prepared and disseminated by Public Affairs representatives. The attachment does not limit or change rules that are applicable to the media.

Signed by:

Peter E. Brownback III
COL, JA, USA
Presiding Officer

Decorum for Spectators Attending Military Commissions

The decorum and dignity to be observed by all at the proceedings of this Military Commission will be the same as that observed in federal courts of the United States.

Spectators, including members of the media, are encouraged to attend all open Commission proceedings. The proceedings may be closed by the Presiding Officer for security or other reasons.

The following rules apply to all military commission observers in the courtroom. Failure to follow these rules may result in being denied access to the courtroom, and could result in a charge of contempt of court and expulsion from commission-related activities at Guantanamo Bay, Cuba.

a. All military commission observers must wear appropriate attire. Generally, casual business attire is appropriate for civilians. Examples of acceptable casual business attire include: long-pants, knee-length skirts, collared shirts with sleeves, and covered-toe shoes. Inappropriate attire would include, but is not limited to, the following: shorts, sleeve-less shirts (tank tops, halter tops, etc.), denim jeans, T-shirts, mini skirts, any accessories or other clothing attire with political slogans, sneakers or tennis shoes, and sandals. Individuals wearing inappropriate attire will not be permitted to observe courtroom proceedings in the courtroom.

b. No distractions are permitted during active court sessions to include, but not limited to: talking, eating, drinking, chewing gum, standing and stretching, sleeping, using tobacco products, or other disruptions. Due to the hot and humid environment in Guantanamo Bay, bottled water with a re-closable lid will be permitted in the courtroom. No other beverages are permitted in the courtroom while commissions are in active session.

c. Entering and exiting the courtroom will be limited to extreme emergencies, and every attempt should be made to take bathroom breaks during court recesses.

d. Military commission observers are not permitted to interact with trial participants either during active sessions or breaks in the proceedings. Trial participants include: the Presiding Officer, panel members, prosecutors, defense counsel, the accused, witnesses, guards, court reporters, translators, and other personnel assisting in the conduct of military commissions. Military commission observers are also expected to respect the privacy of other military commission observers during trial recesses and not press for unsolicited interactions.

e. Computers, laptops, PDIs, PDAs, pagers, cell phones, Walkmans, audio recorders, video recorders, cameras, and any and all other types of electronic or battery operated devices are not permitted in the courtroom during sessions. Not only can these devices be distracting to others in the courtroom, but they pose a substantial

security risk. Notebooks, pens, pencils, and paper are permitted for note taking, but not sketching or artistic renditions of observations.

g. It is improper for anyone to visibly or audibly display approval or disapproval with testimony, rulings, counsel, witnesses, or the procedures of the Commission during the proceedings. For the same reason, signs, placards, leaflets, brochures, clothing, or similar items that could convey a message about the proceedings are also not allowed in the courtroom or in the courtroom's vicinity.

h. As is customary in courts, spectators will rise when the Commission as a whole, or the Presiding Officer alone, enters or depart the courtroom.

i. Members of the media are reminded they have agreed to certain rules established by the Public Affairs staff.

Commission officials know that spectators appreciate the need for security in any public building, and we ask that you cooperate with security personnel when they screen spectators and their property.

BY DIRECTION OF THE PRESIDING OFFICER, MILITARY COMMISSION