

Guantanamo Bay Fair Trial Manual for U.S. Military Commissions: An Independent & Objective Guide
for Assessing Human Rights Protections and Interests of the Prosecution, the Defense, Victims and
Victims' Families, Witnesses, the Press, the Court, JTF-GTMO Detention Personnel, NGO Observers and
Other Military Commission Stakeholders

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This project introduces how in the post-9/11 “War on Terror”, the U.S. transferred 800 prisoners to Guantanamo Bay, Cuba. In the last 3 years, U.S. Military Commission criminal proceedings began against 7 of these prisoners charged them with crimes including masterminding the 9/11 World Trade Center and Pentagon attacks. Everyone associated with Guantanamo Bay, including these criminal defendants, have the right to a fair trial or related interests. This project categorizes internationally-recognized rights to fair U.S. Military Commission trials, identifies international and U.S. law sources of those rights and interests, and explains how U.S. and international courts have interpreted and applied them. Military Commission stakeholders include defendants, the prosecution, victims and victims’ families, judges, witnesses, media, governments with detained citizens or whose citizens were injured by the alleged crimes, Guantanamo detention staff (JTF – GTMO), and the international and U.S. publics. Guantanamo prisoners not charged with any offenses are also stakeholders. The project explores treaty and customary international law fair trial rights arising under international human rights law, international humanitarian law (“law of armed conflict”), and international criminal law. Treaties that bind the U.S. include the International Covenant on Civil and Political Rights and the Geneva Conventions of 1949. These rights and interests are also provided for under U.S. domestic law, including the U.S. Constitution, the Military Commission Act of 2009 and associated Military Commission instruments, and other federal statutes. The project lists hundreds of questions to guide NGO Observers seeking themselves to ascertain whether fair trials rights and interests are being afforded to and met for all Guantanamo Bay Military Commission stakeholders. Project results are incorporated into the 450-page Volume I and Volume II of the *Guantanamo Bay Fair Trial Manual*, which NGO Observers and others use at Guantanamo Bay to facilitate their work.
