



Col. David Lapan  
Director, Press Operations  
1400 Defense Pentagon  
Room 2E961  
Washington, DC 20301-1400

May 12, 2010

Dear Colonel Lapan,

We are writing to express our serious concern about the Defense Department's decision to ban four journalists - from The Miami Herald, the Toronto Star, the Globe and Mail and CanWest Newspapers of Canada - from covering future military commission proceedings at Guantánamo Bay on the grounds that they had revealed the name of a witness in violation of rules governing media reporting of the commissions.

We consider that this move by the Department of Defense not only runs counter to the U.S. administration's stated commitment to transparency in government, but will also bring the military commissions into further disrepute, internationally and within the United States.

As you know, the witness who appeared in Omar Khadr's pre-trial hearing, identified by the prosecution as "Interrogator No. 1," had previously been the subject of a widely publicized military court-martial in 2005 that resulted in his conviction for detainee abuse committed at the Bagram airbase in Afghanistan in 2002. His connection to the Khadr case had also previously been revealed from information he himself gave in an on-the-record interview to a reporter at the Toronto Star. That reporter, Michelle Shephard, who wrote a book about Omar Khadr, is now one of those being banned from future commission hearings simply for reporting the same information that had previously been widely published and disseminated.

Whatever confidence the public in the United States and around the world may maintain in these proceedings can only be eroded by a move that is perceived as being motivated by a clampdown on informed media reporting rather than the protection of classified or confidential information.

Because the proceedings are based at Guantánamo and are open only to a select number of journalists, military personnel and NGO observers, continuing access to these proceedings by knowledgeable and experienced reporters - such as the four here - is even more important than it would be in an ordinary federal trial, open to the general public.

We urge the Department of Defense to reconsider what we believe is an ill-advised decision to exclude these reporters.

Thank you for your consideration.

Sincerely,

Human Rights First  
Human Rights Watch  
Amnesty International  
American Civil Liberties Union  
National Institute of Military Justice

cc: Douglas Wilson, Asst. Sec. of Defense for Public Affairs  
Bryan Whitman, Deputy Assistant Secretary of Defense for Media Operations  
Vice Adm. Bruce McDonald, Convening Authority, Military Commissions