

GITMO'S COMMANDERS AND MY 4-YEAR OLD NIECE PLAY GAMES

(hereinafter Regulation) prescribes
tary commissions and implements

I
enjoye
d
watchi
ng my
4-year
old
niece
wallop
Mr. EW

in a game of "Matches" last week. She kept making up new rules every turn, ensuring Mr. EW didn't know precisely what the rules of the game were.

It provided me an excellent opportunity to teach her what the word "shrewd" means—"A special kind of smart."

I'm less amused by this: Gitmo's second new set of Military Commission rules in as many years. Last year, they released the 2010 Manual for Military Commissions hours before Omar Khadr's trial started. This year, they're introducing the 2011 Regulation for Military trial days before the Abd al Rahim al-Nashiri death penalty case starts. But make no mistake, this "Regulation" amends last year's Manual. As Carol Rosenberg reports:

The Defense Department released the document two days ahead of the arraignment of a Saudi-born captive charged with murder and terrorism for al Qaida's suicide bombing of the USS Cole off Yemen.

[snip]

Almost simultaneously, the document appeared on the war court's new nearly \$500,000 website, numbering 202 pages

and including some changes to procedures. For example, each case's military judge now has the authority to approve the costs of a so-called "learned counsel," typically a civilian defense attorney with extensive experience defending capital murder cases. It also outlined procedures through which observers could protest, through a chief clerk, a judge's decision to declare an aspect of a trial as "protected."

[snip]

The Pentagon's new Deputy Secretary of Defense, Ashton B. Carter, signed the new document on Sunday. He said in a foreword that it provided guidance at times that differed from the way the U.S. military court martials its own troops. "That difference is necessitated by the unique circumstances of the conduct of military and intelligence operations during hostilities or by other practical need."

Legal experts were poring over the document Monday night.

Meantime, Human Rights Watch attorney Andrea Prasow called the timing troubling.

"The very idea that new rules could be issued moments before someone is arraigned to face the death penalty offends any notion of due process," said Prasow, who has worked on war court defense cases. "The stamp of illegitimacy has been firmly affixed to Nashiri's case."

To make it all the more pathetic, check out the image at the top of the page.

Nothing

That's the top corner of these brand new rules.

From DOD. The biggest bureaucracy in the world.

With no headers.

How the hell can DOD release new rules governing a capital case without even bothering to include headers or footers (the document has simple centered page numbers) to indicate these are actually the rules issued by the biggest bureaucracy in the world?

It's like some sergeant somewhere who doesn't know how to operate Microsoft Word was tweaking these until an hour ago.

Seriously, I haven't even gotten into the contents of these new rules yet. But they look like a-very long-high school project, not the considered rules of court of law.