

## Media Policy and Ground Rules for Naval Station Guantanamo Bay, Cuba

This policy establishes procedures for civilian news media deploying to Guantanamo. The receipt of this document does not guarantee media travel or access to GTMO operations and activities. Access to Naval Base Guantanamo does not imply unlimited access to personnel or facilities. The Defense Department will facilitate media access to the maximum extent possible within the constraints of operational security.

### **Prior to departing:**

Transportation to and from U.S. Naval Base (NAVBASE) Guantanamo Bay, Cuba for military commission will be provided solely via military aircraft. Media must remain flexible due to unexpected operational missions or inclement weather. Media must be prepared for an extended stay at GTMO in the event of a military flight cancellation or delay.

Commercial travel to Guantanamo for military commissions is not permitted. However, departures from Guantanamo via commercial travel may be granted in the event of an emergency, at your own expense.

We recommend you pack appropriate supplies and clothing for this tropical climate. Please bring only the minimum amount of personal effects and equipment. You must provide your own personal and professional gear, including protective equipment cases, batteries, cables, satellite telephones and converters.

Personnel are reminded that casual clothing is appropriate for this tour. Appropriate clothing consists of loose-fitting slacks and short/long sleeved shirts. Excluded are sleeveless shirts, tight-fitting clothing and open-toed shoes. You are encouraged to travel with sufficient cash, credit cards, copies of Invitational Travel Orders (supplied) and immunization records. Weapons of any type are not authorized.

You must travel with your passport. Media representatives who do not have a passport will not be permitted to travel. Additionally, media who do not hold a U.S. passport should have a valid journalist visa.

Notify your personal physician as soon as possible to receive any necessary immunizations. (Recommended immunizations include, but are not limited to: immune serum globulin, tetanus diphtheria, oral polio, typhoid, yellow fever, and malaria pills.)

Access to military medical care at NAVBASE-GTMO is strictly on a reimbursable basis. The NAVBASE hospital is prepared to deal with many types of routine medical complaints but major medical issues may require medical evacuation to CONUS on a reimbursable basis.

### **Media Operations at Guantanamo Bay:**

Travel to Guantanamo is for the purpose of showing media representatives detainee operations, military commissions or the Administrative Review Board operations at GTMO. Once at GTMO, the appropriate public affairs office will coordinate media operations, briefings, interviews, and communications support.

Department of Defense policy prohibits personal contact and filming/recording of the detainees except as discussed below and authorized by the JTF Commander.

The following support is provided during news media visits:

- Concurrent transportation on military vehicles as required.
- Use of military dining facilities. Costs for meals will be collected as required
- Billeting, on a reimbursable basis.
- Emergency medical care, on a reimbursable basis.
- The sponsoring news organization will be notified when correspondents require evacuation from the area because of injury or other health reasons. The responsibility for notifying next of kin of all correspondents who are determined to be seriously ill, wounded, killed, or missing lies with the news organization. The release of names of correspondents in such cases is the responsibility of the sponsoring news agency.
- Access to unclassified communications facilities when available.

**RELEASE AUTHORITY:** The Department of Defense is the sole releasing authority for all military information contained in all media (audio visual, photography, graphics, sketches, etc.) gathered or produced within the Joint Task Force Guantanamo (JFT-GTMO) area of operations.

**1. General Ground Rules** – Ground Rules are established to ensure protected information to include classified information, intelligence collections capabilities, and sources and methods are not compromised and to protect the security of commission and administrative review participations by preserving anonymity.

Failure to comply with these ground rules or the instructions of the Public Affairs escort could result in permanent expulsion and may result in the removal of the parent news organization from further access to the Naval Base Guantanamo. Disclosure of classified information may subject the news media representative to criminal prosecution.

News media representatives (NMR) must agree to abide by the following conditions as a provision of access to GTMO operations.

a. Not to publish, release, discuss, or share information identified by JTF-Guantanamo personnel as being protected. Protected information includes prohibited items listed in these ground rules as well as information or images determined to be protected by the security review staff.

b. The following media activities are permitted and do not require special coordination:

b.1. When photography of detainees is permitted, only photos from mid-chest level and below will be permitted. NMRs may be permitted to photograph from angles that do not identify detainees by facial or distinguishing features. NMRs may take images of detainees where the face or distinguishing feature is not visible in the frame, such as tight images of hands, tight images of feet when a detainee is being moved, images from above, and images of the back of the head. All front facial images at distances are prohibited.

b.2. NMRs may take images that have already been released by DoD, such as images of empty facilities, images of detainees or groups in and about the detention facilities and detainees engaged in outdoor recreation or prayer as long as identifying features are not visible.

b.3. Video recording equipment will be allowed in the commissions courtroom when court is not in session or the courtroom is not actively designated a secure facility for the presentation of classified information.

b.4. Interviews with senior commanders, support staff, detention camp personnel, and public affairs staff personnel are permitted and these individuals may be identified by name and unit.

c. The following media activities are prohibited and may be subject to embargo:

c.1. No front facial images of detainees may be taken at any time, even with the intent of distorting or hiding facial images during production and broadcast. Photos of other features considered distinguishing that could lead to the identity of a detainee may be prohibited by the Public Affairs officer on scene and embargoed if discovered during the security review.

c.2. No audio, video recordings, photographs or other electronic images, or drawings, sketches, or likenesses may be rendered of any detainee when that image or recording may reveal that detainee's identity or nationality. Identities and nationalities of any detainee will not be disclosed unless previously released by OASD (PA). All sound devices are to be turned off when detainees are in close proximity and their voices can be heard.

c.3. NMRs may not discuss or reveal where the detention, commissions, or headquarters facilities are located on the Naval Base. No maps or sketches of the base or any facilities will be produced or released at any time. Images or descriptions of security measures will not be recorded, discussed, or released at any time.

c.4. JTF personnel must previously approve the release of their names or images or they may not be taken or released.

c.5. Commanders and staff members will not discuss security measures, interrogation methods, or the specific intelligence gained from interrogations. JTF members may discuss their role in the operations of JTF-GTMO as already released by OSD, but will not speculate as to future operations at Guantanamo.

c.6. Any direct or indirect contact, communication, interviews, photography, videography or other interaction with Cuban or Haitian migrant personnel on Naval Base Guantanamo Bay is expressly prohibited.

c.7. All news media representatives are required to abstain from photography of radar domes and antenna array situated throughout Naval Base Guantanamo Bay, as well as: coastline from the Windmill Beach to Cuba, security checkpoints, and air terminal or any military aircraft.

c.8. Selected detainee movements may be observed, but NEVER filmed, taped, or recorded. Reporting of detainees in transit, including ground and air movement between detention facilities, or movement between detention facilities, courtroom facilities and transportation (bus, ferry, aircraft, etc.) is not permitted. Coverage of detainee interrogations is not permitted.

c.9. Neither the name nor nationality of a specific detainee is releasable unless approved by OASD (PA).

d. A security review of visual recordings will be conducted daily if appropriate or as a minimum prior to departure from Guantanamo.

d.1. NMR will be responsible for providing compatible video/audio format playback device for material review.

d.2. The security review panel will consist of the NIMR, PAO, and a member of the JTF-GTMO J2 staff. NMR will provide the panel all still and video imagery, and audio made in security facilities, such as Camp Delta. NMR representatives are responsible to ensure video imagery can be played to television or played back on camera.

d.3. The security review team will review images with the NMR present and provide to the NMR reasons for any embargo imposed. JTF-GTMO will identify by frame and photo number, which images are not for publication or broadcast. A written conclusion of the panel will be provided to the NMR with a copy retained by the JTF-GTMO PAO.

d.4. Embargoes may be imposed by the JTF-GTMO PAO when necessary to protect security. For videos, material may be edited to exclude all segments that the security review team deems necessary, in lieu of the entire tape being embargoed. Still photographs that contain security violations will be deleted. Since the security review team must be able to review all video and photos taken inside Camp Delta, still cameras that use film are not allowed. If you plan on taking still photographs, please bring a digital camera.

**2. Military Commissions** – The United States Department of Defense will do its utmost to keep these proceedings open and available for media members to cover. In order to facilitate maximum access consistent with security requirements, the following Ground Rules have been established.

OSD-PA is the sole approval authority for media visits to Guantanamo in conjunction with military commissions. These ground rules are necessary to ensure protected information such as classified information, intelligence collection capabilities, and sources and methods are not compromised and to protect the security of commission participants by preserving anonymity.

Failure to comply with these ground rules or the Presiding Officer's instructions, could result in permanent expulsion from the courtroom area and may result in the

removal of the parent news organization from further participation and could subject the (NMR) to criminal prosecution.

By signing this document, an NMR is agreeing to abide by the following restrictions:

a. To not publish, release, discuss, or share information identified by commission's personnel as being Protected Information or otherwise protected from disclosure by these ground rules.

(1) Protected Information includes: (i) information classified or classifiable; (ii) information protected by law or rule from unauthorized disclosure; (iii) information, the disclosure of which may endanger the physical safety of participants in commission proceedings, including prospective witnesses; (iv) information concerning intelligence and law enforcement sources, methods or activities; or (v) information concerning other national security interests.

b. If Protected Information is inadvertently disclosed during a session, the Presiding Officer can order a media embargo until the status of the information is determined.

c. All NMRs observing the sessions, whether they are in the courtroom or in the CCIV viewing area of the press center, are subject to the instructions of the Presiding Officer and courtroom etiquette rules as determined by the Office of Military Commissions. Failure to comply with the Presiding Officer's instructions could result in a charge of contempt of court, which could curtail all further coverage by that media representative and his/her news organization.

d. In the event technical difficulties interrupt the CCIV signal to the press center and the Presiding Officer elects to continue without a CCIV feed to the press center, the media in the courtroom will immediately be considered a pool and thus be required to share notes and observations with media in the press center as soon as practical until the CCIV can be restored.

e. No audio, video recordings, photographs, or other electronic images or other likenesses may be rendered of proceedings or their participants from either in the courtroom or in the CCIV viewing area without prior release approval of the on-scene senior public affairs officer.

f. Tape recorders, telephones, computers, photographic, or any other type of electronic or imaging equipment may not be brought into the courtroom or CCIV viewing area while proceedings are in session. Writing materials and drawing materials for the designated sketch artist are permitted. With the consent and

assistance of the commission's public affairs officer, NMRs are permitted to photograph and record images inside the courtroom when no proceedings are being conducted and no participants are present.

g. The identities of all commission personnel, to include the Presiding Officer, commission members, prosecutors, defense counsels, and witnesses, will not be reported or otherwise disclosed in any way without prior release approval of OSD(PA). No photographs or videotape of commission personnel are permitted either inside or outside of the courtroom without prior release approval by OSD(PA) and the individual.

h. The identities of detainees, other than the accused and habeas petitioners, when released by OSD(PA), may not be disclosed. Neither photographing nor videotaping of detainees is permitted inside or outside of the courtroom.

i. Interviews with senior commanders, support staff and detention camp personnel, and public affairs staff personnel are permitted and these individuals may be identified by name and unit.

j. Coverage of detainees in transit, including ground and air movement between detention facilities, or movement between detention facilities, courtroom facilities, and transportation (bus, ferry, aircraft, etc.) is not authorized unless specifically approved by the on-scene public affairs officer.

### **3. Rules of Courtroom Etiquette (Military Commission Observers):**

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

(1) 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, collared shirts with sleeves, and covered toe-shoes. Inappropriate attire would include, but is not limited to, the following: sleeve-less shirts (tank tops, halter tops, etc.), denim jeans, T-shirts, mini skirts, any accessories or other clothing attire with political slogans, sneakers, tennis shoes, and sandals. Individuals wearing inappropriate attire will not be permitted to observe courtroom proceedings from either the courtroom or the CCIV viewing area.

(2) No distractions are permitted during active court sessions to include, but not limited to: talking, eating, drinking, chewing gum, standing and stretching, sleeping, or other disruptions. Due to the hot and humid environment in Guantanamo Bay, bottled water with a re-closeable lid will be permitted in both the CCIV room and the courtroom. No other beverages are permitted in either the CCIV viewing area or the courtroom while commissions are in active session.

(3) Entering and exiting the courtroom or CCIV viewing area will be limited to extreme emergencies and every attempt should be made to take bathroom breaks during court recesses.

(4) 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.

(5) News media may request interviews by submitting requests to the Commissions Joint Information Bureau.

(6) Computers, laptops, PDAs, pagers, cell phones, Walkmans, audio recorders, video recorders, cameras, and any and all other types of electronic or battery operated devices are prohibited in the courtroom during courtroom 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 and only the designated sketch artist may produce sketches or artistic renditions of observations.

(7) Nothing in these Military Commission Observers Courtroom Etiquette Rules limits the Presiding Officer's ability to control the courtroom or permits disobeying any Presiding Officer or other military commission security personnel directions.

#### 4. Courtroom Seating Rules for Coverage of Military Commissions

Courtroom seating will be allocated each day, by media category, and then by lottery with the sketch artist (if present) always having a seat.

There will be 8 reserved media seats in the courtroom. For allocation purposes, five media categories will be used to equally divide those seats: (2) print, (2)

television, (2) wire and news service, (1) radio and (1) sketch artist, Each group will be allocated two seats except for the radio/sketch artist group.

Lots will be drawn among participating outlets to assign courtroom seating. If a proceeding lasts more than one day, a new lottery will be conducted for each day.

a. Specific Rules:

(1) Once a News Media Representative (NMR) has viewed one day's worth of sessions from within the courtroom, their name is withdrawn from the lottery until all media representatives in all categories who desire courtroom seating have had a turn in the courtroom.

(2) Trading courtroom seating is not allowed. If a NMR draws a seat, they must use it or forfeit it. They may not trade, give away, or otherwise transfer the seat to another person. If a NMR leaves the courtroom during a proceeding, they will not be allowed to return. Seats turned back will be redistributed at the discretion of the senior public affairs officer.

(3) Once a day's session begins, seat allocations are considered used. Whether one day's worth of sessions lasts five minutes or five hours, NMR's will not be able to attend another day's sessions until their next lottery turn.

b. International law restricts direct media access to detainees and detainee related activities. The Joint Task Force (JTF) Commander, through the JIB director, will determine if media access to detainee facilities is appropriate while a commission is ongoing.

## **5. Media Viewing of Sessions**

(a) Sessions will be open for media observation to the maximum extent practical given the requirement to safeguard protected information. Security and safeguarding of protected information is imperative and will be the primary determining factor in deciding if sessions will be open or closed to the media.

(b) Whenever practical, a limited number of media will be allowed to view session from within the courtroom. Media unable to view from within the courtroom will be allowed to view proceedings via closed circuit television (CCIV) feed to a press center.

(c) The level of access allowed for a given session is at the discretion of the Appointing Authority or the Presiding Officer and is subject to change as

the situation dictates. In an effort to balance the need to safeguard protected information with the principle of openness, a three-tiered system will be used to determine the level of access allowed.

(1) Open Sessions allow for maximum openness. This will be the standard posture for most commission sessions. The Appointing Authority or Presiding Officer will normally allow Open Proceedings when no protected information is being discussed and there is a low risk of inadvertent disclosure of protected information. During Open Sessions, up to 8 media representatives will be allowed in the courtroom. Media will be appropriately debriefed if protected information is inadvertently disclosed during a courtroom session and will be bound by their agreement not to use the information. The balance of media will be allowed to view sessions via CCIV in the viewing area of the GTMO Press Center.

(2) Open Sessions With Delay. In some cases, the Appointing Authority or the Presiding Officer may determine that there is a significant risk of Protected Information being inadvertently discussed or inadvertently disclosed. In such cases, all media will view the proceedings from the CCIV facility. The CCIV feed will have a delay to allow security officers to interrupt the feed in the event of the disclosure of protected information. These sessions are designed to continue to permit media access when a session would otherwise be closed.

(3) Closed Sessions. The Appointing Authority or Presiding Officer will normally order Closed Sessions when Protected Information is planned to be discussed. During Closed Sessions, no CCIV feed will be provided and no media will be in the courtroom. Procedural information on the session will be provided to the media members, though some exact details may be excluded. It is anticipated that this procedure will only be used when absolutely necessary. OMC PA may give a brief summary of unclassified information at the end of a closed session.

## **6. Administrative Review Board/Combatant Status Review Tribunal**

By signing the last page of this document, a NMR is agreeing to abide by the following restrictions:

a. To not publish, release, discuss, or share information identified by Tribunal personnel as being Protected Information or otherwise protected from disclosure by these Ground Rules.

b. The Tribunal President will order closed sessions when Protected Information is planned to be discussed. During closed sessions, no media will be in the hearing room.

c. Board deliberations will be closed to the media.

d. If Protected Information is inadvertently disclosed during a session, the Tribunal President can order a media embargo until the status of the information is determined.

e. No audio, video recordings, photographs, or other electronic images, or drawings, sketches, or likenesses may be rendered of proceedings or their participants from either in the hearing room or the adjacent observation room.

f. Tape recorders, telephones, computers, photographic or any other type of electronic or imaging equipment may not be brought into the hearing room. Writing materials are permitted.

g. The identities of all tribunal personnel will not be reported or otherwise disclosed in any way.

h. The identities of detainees will not be reported or otherwise disclosed in any way.

i. News media may request interviews by submitting requests to the OARDEC public affairs representative.

j. Interviews with Office for the Administrative Review of the Detention of Enemy Combatants (OARDEC) Forward Commander, and the OARDEC Forward Chief of Staff are permitted, however, these individuals will be identified by rank, position, and military service only. These interviews will be arranged through the Office for the Administrative Review of the Detention of Enemy Combatants (OARDEC) public affairs representative. "Man on the street" interviews must be approved in advance while at Guantanamo.

k. Coverage of detainees in transit, including movement between detention facilities and Tribunal hearings is not authorized unless specifically approved by the on-scene public affairs officer.

l. Short-term embargoes may be imposed when necessary to protect security.

m. All tribunal observers must wear appropriate attire. The attire as spelled out above is a good general guideline. Individuals wearing inappropriate attire will not be permitted to observe proceedings.

n. No distractions are permitted during hearing sessions to include, but not limited to: talking, eating, drinking, chewing gum, standing, and stretching, sleeping, or other disruptions.

o. Entering and exiting the hearing room when a hearing is in session will not be permitted.

p. Tribunal observers are not permitted to interact with hearing participants either during hearings or breaks in the proceedings. Tribunal participants include: The Tribunal President, panel members, recorders, personal representatives, detainees, witnesses, guards, court reporters, translators, all attorneys, and other personnel assisting in the conduct of the tribunal.

q. No more than 3 observers will be permitted in a hearing room at one time. All other observers can watch proceedings from the adjacent observation room. 2 seats will be reserved for news media; if the 3<sup>rd</sup> seat is not occupied by a non-media observer, a 3<sup>rd</sup> NMR can take the seat. Lots will be drawn among participating outlets to assign hearing room seating, and a rotation will be established.