

DEFENSE INSTITUTE OF INTERNATIONAL LEGAL STUDIES
Resident Course Report
Military Justice
26 October – 15 November 2018; Newport, Rhode Island

Areas of Emphasis:

Human rights and military justice

Comparative military justice procedures

Military discipline measures

Trial practice

Key Issues:

Improving military legal systems through comparison

Interoperability and legal cooperation

Human rights protection through military discipline

Participants: 19	
Military:	17
Civilian:	2
Female	3
AFRICOM	8
CENTCOM	0
EUCOM	7
NORTHCOM	0
PACOM	4
SOUTHCOM	0

MJ participants are prepared to:

- 1) Interact and build more effective relationships with U.S. counterparts; and**
- 2) Apply international best practices in developing law in their own country.**

Background

The Military Justice (MJ) course is designed for individuals whose legal training qualifies them to practice law in their nation (military judges, prosecutors, investigators, staff legal advisors). Staff officers supporting military discipline processes, or military commanders interested in learning more about use of military justice as a means for promoting good order and discipline may also find the MJ course useful.

The three-week Military Justice (MJ) course provided a comprehensive overview of the U.S. military justice system and comparative analysis of other military justice systems. Topics included comparative law, procedural due process, evidentiary practice, trial advocacy, non-judicial alternatives to courts martial, appeals, the role of judges and forensic science. Participants were able to determine best practices in military justice based upon comparison of the U.S. and other military justice systems. Participants visited U.S. military prosecutors, a Federal District Court, a State Prison, a Crime Laboratory and the U.S. Court of Appeals for the Armed Forces. They also observed a U.S. military appeals and administrative separation hearings.

Trial practice exercises on charge drafting, closing argument, witness interview and direct examination of witnesses were based on a recent sexual assault case involving UN peacekeeping soldiers. This case study trial practice exercise enabled the participants to learn how to use their

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own national military justice systems to investigate and prosecute serious offenses committed outside of national boundaries.

Lectures on the “Role of the Defense Counsel,” “Perspective of a Military Judge” and “Role of Military Legal Advisors beyond Military Justice” gave participants opportunities to learn from senior U.S. Judge Advocates with many years of experience. Guest instructors from the United Nations Office of Internal Oversight Services taught investigative techniques for use in sexual assault crimes that occur in remote mission areas. Participants also discussed the application of international human rights law to military justice systems.

During a visit to Washington D.C. the participants discussed the U.S. system for military law reform and development with a panel of military justice experts.

In accordance with IMET objectives, all participants took part in cultural familiarization activities in Boston, MA, and Washington D.C. as part of the DIILS Field Studies Program (FSP). Discussions with participants before, during and after these visits helped to deepen their understanding of U.S. history, culture, and values. These activities included visits Harvard University Law School and Quincy Market in Boston. In Washington D.C. students visited the Library of Congress, Presidential Monuments, World War II and Vietnam War Memorials, and the museums of the Smithsonian Institution.

Course Outcomes:

Participants responded to the following post course survey questions:

Post-Course survey questions	Average Score (10=Excellent)
To what extent did the course provide skills or knowledge you can apply in your workplace?	9.3
Would you recommend this course to your colleagues?	10

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Participant Comments:

What was the highlight of the course?

- “The military justice system in general and the American case in particular. It has also depicted comparative laws both in common law and civil law system.”
- ” The field trip to Washington. Attending to both hearings at the Court of Appeals for Armed Forces and that of the Marine Corps Base at Quantico.”

What were the important strengths of the course?

- “Studying the comparative laws of the different legal traditions served as a bridge to bring all international students to come to consensus and have a better understanding of the US legal system.”
- “The investigation exercise was outstanding, it helps the prosecutors to understand how the evidence is found.”
- “We had the chance to meet counterparts from other countries.”
- “To know the role of legal advisor beyond military justice.”

What, specifically did you learn that you anticipate using in your workplace?

- “I will advise the commanding staff to put in place a manual and to provide a short video on non-judicial punishment in order to have a common understanding of it within the our armed forces.”
- “There is a gap on our military jurisdiction specifically on soldiers deployed abroad.”

Has your impression of the United States changed since attending this course?

- “Americans have a special way of preserving history and they treasure it.”
- “Advances in systems, technology and innovations make the U.S. a model for other countries to emulate, especially on the administration of justice.”

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Future plans:

- Add an exercise involving study of specific appellate court opinions.
- The next offering of Military Justice (MJ) (MASL P176003) is scheduled for 3-23 May 2019.

For more information please

See the attached course schedule

Go to WWW.DIILS.ORG or

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