

**DEFENSE INSTITUTE OF INTERNATIONAL LEGAL STUDIES**  
**Resident Course Report**  
**Military Justice**  
**5 – 25 May 2017; 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

<b>Participants: 11</b>	
Military:	11
Civilian:	0
<b>Female</b>	
Female	1
AFRICOM	7
CENTCOM	1
EUCOM	3
NORTHCOM	0
PACOM	0
SOUTHCOM	0

**At the conclusion of 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 substantive and procedural due process, evidentiary practice, trial advocacy, non-judicial alternatives to courts martial, appeals, the role of judges and transparency. Participants will be 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, the Pentagon, and the U.S. Court of Appeals for the Armed Forces.

Trial practice exercises on charge drafting, closing argument and direct examination of witnesses were based on a recent sexual assault case involving UN peacekeeping soldiers. This case study enabled the participants to learn how to use their own national military justice systems to investigate and prosecute serious offenses committed outside of national boundaries.

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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 officials with many years of experience. A guest speaker 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 the Pentagon they discussed the U.S. system for military law reform with a former Chief Judge of the U.S. Court of Appeals for the Armed Forces.

In accordance with IMET objectives, all participants took part in cultural familiarization activities in Newport, RI, 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 to a restored 19<sup>th</sup> century mansion in Newport; Harvard University in Boston; and Presidential Monuments, World War II and Vietnam War Memorials, and the museums of the Smithsonian Institution in Washington D.C.

**Course Objectives:**

- Participants exchange ideas for development or enhancement of military justice systems based on their respective experience.
- Participants prepare for international military cooperation by gaining better mutual understanding on an individual and systemic level.

**Outcomes:**

Participants responded to the following post course survey questions:

<b>Post-Course survey questions</b>	<b>Average Score (10=Excellent)</b>
To what extent did the course provide skills or knowledge you can apply in your workplace?	8.8
Would you recommend this course to your colleagues?	9.6

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**Participant Comments on the strengths of the Military Justice Course**

- “Having lectures presented by the judges and legal advisers who work in the field.”
- “Having a practical demonstration by paralegal staff of modern tools to report court hearing.”
- “Cross-examination of the witnesses and drafting of charges/Indictments.”
- “Learning crime scene investigation techniques.”
- “Exchange of the experiences by participants about their national systems.”
- “The quality of the instructors was amazing. They are really competent and very skilled.”
- 

**Future plans:**

- Revise the Military Justice System Self-Assessment Exercise to provide participants with more opportunities for comparison of different military justice systems.
- The next offering of Military Justice (MJ) (MASL P176003) is scheduled for 27 Oct – 16 Nov 2017.

**For more information please**

See the attached course schedule

Go to [WWW.DIILS.ORG](http://WWW.DIILS.ORG) or

Email: DSCA.DIILS.ResidentPgm@mail.mil