

**DEFENSE INSTITUTE OF INTERNATIONAL LEGAL STUDIES**  
**Resident Course Report**  
**Military Justice**  
**27 October – 16 November 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: 22</b>	
Military:	20
Civilian:	2
<b>Female</b>	
Female	4
<b>AFRICOM</b>	
AFRICOM	10
<b>CENTCOM</b>	
CENTCOM	0
<b>EUCOM</b>	
EUCOM	9
<b>NORTHCOM</b>	
NORTHCOM	0
<b>PACOM</b>	
PACOM	2
<b>SOUTHCOM</b>	
SOUTHCOM	1

**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 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. court-martial proceeding.

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

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 and Harvard University in Boston. In Washington D.C. students visited the U.S. Capitol, 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:

<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?	9.2
Would you recommend this course to your colleagues?	9.7

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**Participant Comments:**

*What was the highlight of the course?*

- “My country has moved from an inquisitorial system to accusatory one. This experience learning about the U.S experience with military justice will be helpful to me.”
- “This MJ course gave me additional knowledge of the area of military justice procedures and the role of defense counsel.”

*What were the important strengths of the course?*

- “Gathering students from different countries was a good idea because it led to reinforcement of relationships between countries and provided me with an occasion to learn about all those countries represented.”
- “Mutual exchange of ideas and approaches of different countries.”
- “The instructors explained things very elaborately.”
- “The visit to the institutions as Marine Corps Base Quantico, Federal District Court and the Rhode Island state prison.”
- “Visits to Courts and seeing the U.S. military justice system in action.”
- “The course allowed me to discover Washington DC and American culture and way of life.”

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

- “How to advise commanders on the importance of military justice.”
- “The way to lead an investigation when operating in a peacekeeping mission.”
- “The application of trial techniques in presenting the witness in a court case.”
- “This program helped me to understand my own system better.”

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

- “The US takes seriously any breach in discipline and investigates all alleged crimes during operations; particularly outside operations.”
- “I discovered a lot of rules and principles which can help my country to improve discipline.”

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**Future plans:**

- Add Law of Armed Conflict violations to the Charge Drafting Exercise.
- Add an evidence admissibility role play activity to the Witness Direct Examination Exercise.
- The next offering of Military Justice (MJ) (MASL P176003) is scheduled for 4-24 May 2018.

**For more information please**

See the attached course schedule

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

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