

DEFENSE INSTITUTE OF INTERNATIONAL LEGAL STUDIES
Resident Course Report
Military Justice
3 – 23 May 2019; 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: 11	
Military:	11
Civilian:	0
Female	3
AFRICOM	9
CENTCOM	0
EUCOM	2
NORTHCOM	0
PACOM	0
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 an administrative separation hearing.

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.

Participants learned about the U.S. system of binding case law through the study of selected military appellate court opinions.

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 Rhode Island, 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 police station in Rhode Island and visits to Harvard University Law School and Quincy Market in Boston. In Washington D.C. students visited the Lincoln, World War II, Korean War and Vietnam War Memorials, and the U.S. Supreme Court.

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?	9.5
Would you recommend this course to your colleagues?	10

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Participant Comments:

What was the highlight of the course?

- Practical exercises and meetings with judges and legal advisers, prosecutors and defense counsels.
- The course helped me to understand my own country's military justice system but also others through comparison especially through case studies and participant presentations. In addition, it also enabled me to learn legal terminology which I did not know prior to the course.

What were the important strengths of the course?

- Visits to specific and well-chosen institutions
- Direct discussions with representatives of the public authorities and judges in courts.
- Group discussions on charge drafting.
- Comparative law study before all starting MJ themes. Because it gave me a better understanding of how and why systems work.

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

- Explain to my boss the importance of having a legal advisor.
- Ideas on procedures and training to prepare adequate professional military JAGs and paralegal bodies.
- I learned about professional responsibility for attorneys which is also applicable in my country and I intend to adhere to these rules.

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

- I have seen how American people love their country and history and how they value the diversity among their citizens.
- The welfare of citizens is a major concern of the government. More than that people living here can more easily achieve their ambitions for future.

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Future plans:

- The next offering of Military Justice (MJ) (MASL P176003) is scheduled for 1-21 November 2019.

For more information please

See the attached course schedule

Go to WWW.DIILS.ORG or

Email: DSCA.DIILS.ResidentPgm@mail.mil