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On 31 August 2005, the US Department of Defense (DOD) announced changes to military commissions procedures. The DOD said that these changes will make them “more like a judge and jury model” and will provide “full and fair trials” for detainees in Guantánamo Bay, Cuba. AI considers that these changes will do nothing to address the fundamental flaws inherent in these military commissions.

### **Military commissions will not deliver fair trials**

While attacks on civilians by armed groups must always be condemned, Amnesty International believes that the ‘war on terror’ does not justify a lower standard of justice for those suspected of terrorism- related offences. The route to security is through the observation of human rights and the rule of law. This cannot be achieved through the military commissions.

Amnesty International's concerns with the military commissions include:

- They are **still** not independent of the executive branch of the US Administration **and deny the ability to appeal to an independent tribunal.**
- **Rules will permit use of information extracted under torture.**

Lack of proper rules of evidence mean that hearsay evidence and evidence obtained by torture or other ill-treatment can be used against those charged. An interrogator could testify to a confession made by an unknown detainee who may have been tortured. It is difficult to defend yourself against such allegations if you cannot test the original confession or how it was obtained.

- **They will be able to impose the ultimate cruel, inhuman and degrading punishment – the death penalty.**