§ 13.4 Duties and responsibilities of the defense.

(a) Regular duties. The Defense shall perform all duties specified or implied in 32 CFR part 9 as responsibilities of the Defense.

(b) Special duties. The Office of the Chief Defense Counsel shall perform such other functions, consistent with 32 CFR part 9, and Military Order of November 13, 2001, “Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism,” and the mission of the Office of the Chief Defense Counsel, as may be directed by the Appointing Authority or the General Counsel of the Department of Defense.

§ 13.5 Policies.

(a) Prohibition on certain agreements. No Defense Counsel may enter into agreements with any detainee other than his client, or such detainee’s Defense Counsel, that might cause him or the client he represents to incur an obligation of confidentiality with such other detainee or Defense Counsel or to effect some other impediment to representation.

(b) Prohibition on certain disclosures. All Defense Counsel must strictly comply with 32 CFR 9.6(d)(5) and 9.9 to ensure they do not improperly disclose classified information, national security information, or state secrets to an Accused or potential Accused or to any other person not specifically authorized to receive such information.

(c) Statements to the media. Consistent with DoD Directive 5122.5, the Assistant Secretary of Defense for Public Affairs shall serve as the sole release authority for DoD information and audiovisual materials regarding military commissions. Personnel assigned to the Office of the Chief Defense Counsel, as well as all members of the Civilian Defense Counsel pool and associated personnel may communicate with news media representatives regarding cases and other matters related to military commissions only when approved by the Appointing Authority or the General Counsel of the Department of Defense.

PART 14—QUALIFICATION OF CIVILIAN DEFENSE COUNSEL

Sec.
14.1 Purpose.
14.2 Authority.
14.3 Policies and procedures.

APPENDIX A TO PART 14—UNITED STATES OF AMERICA AUTHORIZATION FOR RELEASE OF INFORMATION

APPENDIX B TO PART 14—AFFIDAVIT AND AGREEMENT BY CIVILIAN DEFENSE COUNSEL

AUTHORITY: 10 U.S.C. 113(d) and 140(b).

SOURCE: 68 FR 39392, July 1, 2003, unless otherwise noted.

§ 14.1 Purpose.


1 Available at http://www.dtic.mil/whs/directives.