

Rules

The DoD Joint Service Committee held a public hearing on November 16, 2022. In addition, the draft EO is [here](#), and the draft Annex is [here](#).

Call for Papers

Mark your calendar: the Centre de Recherche des Écoles de Saint-Cyr Coëtquidan, in collaboration with the Faculty of Military Science of Stellenbosch University, will host the second International Military Justice Forum at Stellenbosch, South Africa, on November 8-9, 2023. The Call for Papers can be [found here](#). The deadline for proposals is March 15, 2023.

Courts-Martial

For those interested in the military justice caseload, CAAFlog has [posted some graphs](#) showing the decline in the number of courts-martial over the years. However, what is not captured is the increase in complex common law-type cases compared to earlier times when the caseload was primarily military offenses.

Protect Our Defenders and the Connecticut Veterans Legal Center, represented by Yale Law School's Veterans Legal Services Clinic, have filed a Freedom of Information Act suit in federal district court. They seek military and Justice Department records relating to sex offense prosecutions of military personnel. Stars and Stripes have the story here, with [a link to the complaint](#). (Courtesy of [GMJR](#).)

People

NIMJ says goodbye to Jake Diano. Jake, a 2L at Villanova Law, has been our Extern this semester. His work has been excellent, and the academic credit is well earned. We wish him fair winds and following seas. (He has applied for the Navy JAG Law Student Program).

NIMJ says hello to Caroline Wachtell, a 2L at Villanova. She is to be a Marine judge advocate having completed basic school with TBS in her future.

Transparency in Military Justice and Discipline.

"[The War Horse](#) has brought a noteworthy [Freedom of Information Act lawsuit](#) in federal district court in Washington, D.C. It concerns access to a book that is said to

record disciplinary issues involving officers of the U.S. Marine Corps." The "Black Book," as it is sometimes called, includes "all investigations of and crimes committed by officers are kept meticulously tracked—and often omitted from the official record and congressional disclosures—throughout their careers. During the reporting, multiple Marine officers told The War Horse that the ongoing behavior highlights a mix of favoritism and "sugar daddy deals" that are overseen by military lawyers and the Corps' most senior officers."

War Crimes & IHL

OpinioJuris has a comment Priya Pillai's [*Draft Convention on Crimes Against Humanity: A Window of Opportunity*](#). November 22, 2022.

The ABA has a couple of items of general interest.

Namosha Boykin and Kelechukwu Chidi Oneyjekwe, [*War Crimes – From the Battlefield to the Courtroom*](#). ABA February 4, 2022.

During a beautiful Texas afternoon, attendees of the 2021 Summit gathered for an engaging and highly interactive session around a military law hypothetical. The session was the confluence of the "amazing relationship between the AJEI and the National Judicial College," said the Honorable Albert Diaz, who introduced the panel. The Honorable Benes Z. Aldana, President of the National Judicial College, was the moderator. Professor Richard Rosen, Melissa Mills, and James Durant, III, who spoke in their respective personal capacities, discussed the hypothetical.

(Al Diaz is a Navy Appellate Defense "graduate" and judge of the Fourth Circuit, Melissa Mills is known to us from her Marine Corps times, and Prof. Richard Rosen is known to many.)

Richard Wilson, [*War Crimes: History, Basic Concepts, and Structures*](#). ABA October 25, 2022.

Worth a look (new and old)

Scott R. Anderson, [*How the 2002 Iraq AUMF Got to be So Dangerous, Part 1, History and Practice*](#). Lawfare, November 15, 2022.

Claire O. Finkelstein and Harvey Rishikof, [*Beyond Guantanamo: Restoring the Rule of Law to the Law of War*](#). Faculty Scholarship at Penn Carey Law. 2872 (Sept. 2022).

Eric Jensen and Sean Watts, [*Ukraine Symposium – Doxing Enemy Soldiers and the Law of War*](#). Articles of War, Lieber Institute, West Point, October 31, 2022.

Brett J. Kyle and Andrew G. Reiter, [*Why Have Military Courts Become Such a Popular Tool of Repression? Political Violence at a Glance*](#), January 2022. There is a link within the piece to their book *Military Courts, Civil-Military Relations, and the Legal Battle for Democracy* (2021).

Wg Cdr (Ret) Umesh Chandra Jha, [*Military Manual of War*](#). No. 3-2022, [United Services Institution of India](#) (2022).

Wg Cdr (Ret) Umesh Chandra Jha, *Military Legal System in China*. No. 1-2022, [United Services Institution of India](#) (2022). Note the reference to several current, and some say longstanding issues under the UCMJ: jurisdiction over retirees and civilians and civilian offenses.

Cheers, Phil Cave, Editor