

**Arbeitsgemeinschaft Strafrecht im Deutschen AnwaltVerein**

**(Criminal Law Section of the German Bar Association)**

Honorary *pro reo* prize for 2009

for

**Mr. Stuart Couch**

Charlotte, North Carolina, U.S.A.

**Statement by the Jury:**

The honorary *pro reo* prize for the year 2009 is awarded to the American military jurist

Stuart Couch

for his decision

to refuse to represent the prosecution in proceedings against a suspected terrorist confined at Guantanamo Bay, Cuba

on legal, moral and ethical grounds.

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With his decision not to participate in the prosecution in 2004, Lt. Colonel Stuart Couch publicly refused to prosecute an individual he believed was rightly suspected of terrorist activity. He had come to the conclusion that the suspect had been questioned using prohibited interrogation methods at Guantanamo and that the evidence obtained was therefore inadmissible in court. Acting in response to his own sense of justice, military prosecutor Lt. Colonel Stuart Couch disqualified so-called "interrogation techniques" approved at the highest echelons of government as violations of U.S. military law, U.S. criminal law and international law and consequently refused to participate in the prosecution for legal, ethical and moral reasons.

Stuart Couch is known to have volunteered, based on his convictions and a sense of patriotic duty, to serve as a military prosecutor following the terrorist attacks of

September 11 because a close friend had lost his life during the attack on the World Trade Center.

Lt. Colonel Stuart Couch is also known to have entertained no doubts regarding the prisoner's guilt.

Faced with a grave conflict of values, Stuart Couch decided in favor of higher human rights. The jury was profoundly impressed by his conscientious decision to refuse to perform a duty for which he had originally volunteered. His decision deserves the utmost respect and recognition.

Stuart Couch has given a face to the international campaign against torture, the Geneva Convention, the fundamental commandments of justice and international laws devoted to the protection of human dignity.

His achievements are truly outstanding.

Landau, Berlin, Munich, November 2009

Prof. Dr. Lutz Meyer-Goßner

Dr. Margarete Gräfin von Galen

Dr. Hans Holzhaider

Werner Leitner